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AMONG the recent entries of students at Lincoln's-inn is one of no little interest to old Indians, who recall Baluchistan as a region where law and order were held in supreme contempt. It is that of MIR AYUB KHAN, of the Las Bela State in Baluchistan, the third son of the late JAIN MIR KHAN, C.I.E., the Hon. Ruling Chief of that State, who has journeyed from his far distant birthplace to obtain a knowledge of English law, and to be called in due course to the English bar.

The Land Registry's New Scheme.

ATTENTION should be directed to the letter we publish elsewhere on the subject of the action to be taken by the profession in view of the proposal for the extension to the whole of England of the compulsory system of land transfer. We believe that our correspondent's views represent those of a large number of country solicitors, who consider that the true policy is, if possible, to prevent the proposal from being made, and that the approach of the General Election affords an opportune time for efforts in this direction. One thing is tolerably clear—namely, that, unless action is taken before a Bill is introduced to carry the proposal into effect, the chance of successful opposition will be greatly diminished.

Loans to Belligerent States.

THE OPINION of the law officers of the Crown in 1823 on subscriptions or loans to one of two belligerent States by the subjects of a neutral State will be read with interest at a time when the two belligerent States, Russia and Japan, have been seeking to raise loans in neutral States. The question submitted to the law officers in 1823 was, first, whether subscriptions for the use of one of two belligerent States by individual subjects of a nation professing and maintaining a strict neutrality between them, are contrary to the law of nations and constitute such an offence as the other belligerent would have a right to consider as an act of hostility on the part of the

neutral government? Secondly, if such individual voluntary subscriptions in favour of one belligerent would give such just cause of offence to the other, whether the loans for the same purpose would give the like cause of offence? And if not, where is the line to be drawn between a loan at an easy, or mere nominal, rate of interest, or a loan with a previous understanding that interest would never be exacted, and a gratuitous voluntary subscription? The opinion (signed R. GIFFORD and J. S. COPLEY) with respect to loans was that, if they were entered into merely with commercial views, then, according to the opinions of writers on the law of nations and the practice which had prevailed, they would not be an infringement of neutrality, but if, under colour of a loan, a gratuitous contribution was afforded without interest, such a transaction might be considered as an act of hostility.

The Centenary of the Code Napoleon.

THE OBSERVANCE in Paris of the centenary of the Code Napoléon brings to the fore the subject of "codification." It was JEREMY BENTHAM who introduced the word into the English language. The principles laid down in his General View of the Code of Laws have been adopted in other countries, but not in the land of his birth. England's latest ally has codified the whole of her laws, though some fear is felt among Japanese lawyers that it was a hasty step. The provisions and arrangements of the Japanese codes are apparently perfect; in fact, the Japanese Civil Code has been regarded as one of the masterpieces of modern legislation. But the use of codes consists in their practical application, and it is stated that the judiciary of Japan at present lacks the qualities necessary for litigants to benefit fully from the principles so carefully embodied in the codes. In America the oldest code is the Civil Code of Louisiana, which was originally passed in 1808. It is based on the French law. Within the British Empire, India has taken the lead. For more than half a century the subject has constantly engaged the attention of the Legislature, with the result that a large portion of the law is in the form of codes. Some of the British colonies have followed suit, while others obtained their codes from the French. Of the latter an example is afforded in the laws of the Seychelles Islands, which are mentioned by the governor in a recent report. From "a state of bewildering confusion" they are being rescued by the present Chief Justice, Mr. HERCHENRODER. It has necessitated the examination of a series of French laws dating from 1766, and the revision of French codes promulgated under the direction of General DECAEN, Capitaine Général of the French establishments to the East of the Cape of Good Hope, from his seat of government at the Isle of France—now Mauritius—from 1803 to 1810. In England, although there have been various consolidating statutes, the only Acts to which the term "code" may be strictly applied are the Partnership Act, 1890, the Bills of Exchange Act, 1882, and the Sale of Goods Act, 1893. The various efforts to pass the Marine Insurance Bill have not yet met with success.

The Legal Congress at St. Louis.

A LENGTHY account has appeared in the *Times* of the proceedings at the Legal Congress held in connection with the St. Louis Exhibition. The attendance does not seem to have been quite in keeping with the scale on which the Congress was planned, and it was not in the nature of things that any considerable results should follow from it. But there appears to have been a useful discussion of the Hague Court of Arbitration, and in particular of the effect of the common exception in arbitration treaties of matters affecting the vital interests, independence, or honour of the contracting States. It is not an unreasonable opinion that the generality of the exception goes far to nullify the treaties, and that in many matters which would be included in the exceptions the intervention of an independent tribunal is eminently desirable for the purpose of avoiding recourse to war. The pending negotiations with Russia for settlement of the Hull fishing fleet incident show that our Government are prepared to adopt an enlightened course in this respect. An interesting and comprehensive address was read by Mr. Justice KENNEDY on the enforcement of foreign judgments, the conditions which affect the enforcement respectively of judgments *in personam*, judgments *in rem*, and judgments involving *status*, being carefully considered. The enforcement of a judgment in a country other than that where it is given may be effected either by bringing a fresh action upon it, as in the United States and this country, or, as in Italy, by admitting the judgment, after examination, as a domestic judgment. The difference of procedure is not very material if the general principle is admitted that all judgments properly given shall be entitled to universal recognition. The learned judge gave it at his opinion that a foreign judgment should have this recognition (i.) if it was pronounced by a court of competent jurisdiction; (ii.) if it was final in the country where it was pronounced; (iii.) if it did not give effect to any claim contrary to the law or public policy of the country in which it was sought to be enforced; and (iv.) provided always it involved no fraud. This proviso is probably everywhere recognized. The point of difference is to what extent the enforcing country should go behind the judgment and inquire into its regularity; whether, for instance, the defendant was duly cited. In principle this does not seem to be permissible, since it must be assumed—the judgment coming from a court of competent and recognized jurisdiction—that all proper formalities have been complied with. In practice, of course, much depends on the country in which the judgment is given.

Seizure at Sea of Private Property.

A GOOD deal of divergence of opinion was shewn at the St. Louis Congress in the discussion of the question whether the time has not come when the seizure at sea in time of war of private property other than contraband should not be abolished. "The progress of civilization," it has been said (Wheaton's International Law, 4th English ed., p. 497), "has slowly, but constantly, tended to soften the extreme severity of the operations of war by land; but it still remains unrelaxed in respect to maritime warfare, in which the private property of the enemy, taken at sea or afloat in port, is indiscriminately liable to capture and confiscation." The Declaration of Paris has taken us as far as agreeing that the neutral flag should cover enemies' goods, with the exception of contraband of war, and thus a considerable inroad has been made on the practice of the capture of the private property of an enemy at sea. The United States, it is well known, would have gone further, and they sought to have the Declaration of Paris extended by exempting all private property at sea from capture, except contraband, and this view was again urged at the St. Louis Congress in a paper read by one of the American delegates. Unfortunately his arguments were not unanimously indorsed, and we gather that it was made to appear to the Congress that this country has some special interest in upholding the right of seizure. We very much doubt whether this is the case, and, whatever British policy may have dictated in the past, it by no means follows that we must, from supposed motives of self-interest, always adhere to a practice which enlightened sentiment condemns. And with our widely-scattered merchant fleet it is very doubtful whether our interests do not really call for the full protection of private property. The adoption of the American view may well be urged upon our own publicists. The Congress concluded its proceedings by resolving that the American Bar Association should be requested to take such steps as might be necessary to constitute a permanent international association of lawyers.

Disallowing Payments Made by Trustees.

IT IS NOTEWORTHY that in the case of *Re Newland* (reported elsewhere) KEKEWICH, J., has held that, where a common account is directed upon an originating summons, there is jurisdiction to disallow a payment made by trustees, on the ground that it was a breach of trust. At first sight, this seems to conflict with the rule that the court has no jurisdiction to deal with a breach of trust on originating summons. "I apprehend," said Lord MACNAGHTEN, in *Dowse* v. *Gorton* (1891, A. C., p. 202), "that it would not be competent for an applicant on an originating summons to ask for or obtain, otherwise than by consent, an order founded on breach of trust, or inquiries pointing to wilful default." And in *Re Weall* (37 W. R., at p. 783) KEKEWICH, J., said to counsel in the argument: "If an originating summons had been brought

asking me to charge your clients with breaches of trust, the first thing I should have done would have been to dismiss it." If, then, a question of a breach of trust cannot be raised directly by originating summons, it would seem to follow that it cannot be raised at a later stage in the course of an account directed to be taken. This, however, was not the view of STIRLING, J., in *Re Stuart* (74 L. T. 546), where an inquiry had been directed which involved questions of breaches of trust. In working out the inquiry the trustees objected that it was beyond the jurisdiction, but STIRLING, J., while agreeing that relief in respect of a breach of trust must, as a general rule, be given by action, pointed out that this was not so where the question arose on an account. If certain moneys are shewn to have come to the hands of the trustees they must discharge themselves, and they cannot do this by shewing that it has been invested on a security which is improper. At the same time he observed that he should be extremely sorry to get rid by a side-wind of the rule that in any contested case an originating summons was not the proper way of deciding the question, and if it were really a matter for *vivâ voce* evidence, he would direct an issue to be dealt with in an appropriate manner. The present case of *Re Newland* was held by KEKEWICH, J., to be within the principle of *Re Stuart*. An account had been directed on summons, and it appeared that a sum of £500, invested by the trustees on second mortgage, had been lost. The first mortgagees had realized and had exhausted the security. The amount was disallowed in the master's certificate, and this disallowance was upheld by KEKEWICH, J., notwithstanding that it involved the decision that the trustees had committed a breach of trust.

Trustees Advancing on Second Mortgage.

IN THE above-mentioned case of *Re Newland* KEKEWICH, J., further held that the lending on second mortgage was in itself a breach of trust, unless the trustees were expressly empowered to take such a security. Of course it is well known that such an investment involves the trustees in very considerable risk, but the *dicta* are perhaps not uniform in treating it as *per se* a breach of trust. In *Norris* v. *Wright* (14 Beav., at p. 307), ROMILLY, M.R., said that, admitting, as counsel contended, that the trustee was not guilty of a breach of trust merely for lending on a second mortgage, yet the circumstance of its being a second mortgage made it the more incumbent upon him to look more strictly at the question of value than if it were a first mortgage. At the same time he wished it not to be understood that he sanctioned the propriety of trustees lending money on a second mortgage when they did not get the legal estate. And the absence of the legal estate was referred to as being of the essence of the breach of trust in *Lockhart* v. *Reilly* (1 De G. & J., at p. 476). Of course the objection to the security is that the trustees lose the protection to be gained from the possession of the legal estate, and are also very much at the mercy of the first mortgagees. If the first mortgagees foreclose, this may be at a time when the trustees have not funds available to redeem them, or if the first mortgagees exercise their power of sale, the sale may be effected in such a way as seriously to prejudice the subsequent incumbrancers: see Lewin on Trusts (11th ed.), p. 379. It seems, therefore, too mild a way of stating the case to say, as is done in the work just quoted, that "trustees cannot be advised to make advances on second mortgage"; and, having regard to the view taken by KEKEWICH, J., in *Re Newland*, it is perhaps more correct to say that they must be advised that it would be a breach of trust.

"Trade Briefs."

WE READ that at the annual meeting of the South Wales and Monmouthshire Temperance Association a member proposed a resolution condemning the action of certain Members of Parliament who, in their capacity as barristers, had advocated the claims of applicants for licences at the brewster sessions while they promoted temperance in Parliament, and calling the attention of all constituencies in South Wales and Monmouthshire to the expediency of selecting such candidates only as would command the support of experienced temperance reformers. The seconder of the resolution added that he wished every barrister candidate in Wales to pledge himself to the electors that he would not accept "trade briefs" while holding the position of Member of Parliament for a Welsh constituency. The resolution was carried. It appears to us to be founded on the proposition that it is the duty of a barrister or solicitor who happens to be a Member of Parliament, and who is supporting a movement for the repeal or amendment of an existing law, to refuse to appear for anyone whose rights depend upon the existence of this law. We do not know whether it is the wish of those who concurred in the above resolution that the sale of intoxicating liquor should be practically prohibited and that all licences for the sale of it should be abolished. If this is the case, the legal legislator must go further and decline to appear in any case where it is sought to enforce a contract for the sale of alcohol. But if the movement is merely in favour of certain limitations upon the sale of strong drink, it seems to be thought that, while counsel may properly appear against applications for the renewal of licences, it would be a very good thing if all counsel would refuse to appear in support of these applications. We need not say that such a conclusion appears to us to be inconsistent with justice. But assuming that a lawyer is asked to assist in enforcing what he believes to be a bad and mischievous law, we cannot think that it is his duty to the profession and to the whole community to reject the application. We have observed that in some classes of litigation, which are connected with religious doctrine or party politics, there appears to be some tendency to retain an advocate who is supposed to share the views of the party by whom he is instructed. But it is more than doubtful whether the advocacy is more strenuous and convincing on this account. We have heard that at the trial of JOHN FROST, the leader of the Chartist movement in 1839, for high treason, those who had the charge of his defence were thought to have acted with excellent judgment in retaining Sir FREDERICK POLLOCK and Mr. FITZROY KELLY, two prominent members of the Tory party, to represent him at the trial.

The Law of Watercourses.

IN THE recent case of *Nagle* v. *Miller* (29 V. L. R. 725) the Supreme Court of Victoria, in an action to restrain an encroachment upon the bed of the River Lerderberg, near Bacchus Marsh, had to consider an interesting question under the law of watercourses. It appeared that the defendant was the occupier of land on the east bank of the River Lerderberg, near or contiguous to land occupied by the plaintiff on the west side thereof. The Lerderberg flows into the Werribee, and formerly, just before the junction with the Werribee, spread out over a considerable area of almost level land. In order to prevent the flooding of this area, the Shire council of Bacchus Marsh constructed an artificial channel which from that time carried the water past the level area into the Werribee. The effect of making this channel was to concentrate the water, which formerly spread over a large surface, into a narrow channel, and soon afterwards the water thus concentrated began to erode the soft bed of the river and to deepen its natural channel until high banks were formed on each side of the stream. This erosion gradually extended up stream, and deepened the bed of the river between the land occupied by the defendant and the plaintiff respectively. In 1884 the defendant's predecessor in title constructed a stone dam across the river to enable him to irrigate a portion of the land which he then held. This dam was subsequently destroyed by floods, but in 1890 the defendant went into occupation of his land, and had ever since maintained this dam, which extended more than half way across the river. It obstructed the flow of the stream sufficiently to enable the defendant to irrigate his land, but did no appreciable damage to the plaintiff. The defendant also in 1894, in order to prevent the further erosion of the bed of the stream between his land and the plaintiff's, constructed a weir of wood and other materials across the river on a level with the bed a few yards lower down the stream than the dam. This weir did not obstruct the natural flow of the stream, but it arrested or retarded the erosion of the bed of the river. It was in respect of these bulwarks in the stream that the action was brought. The argument of the plaintiff was that a riparian proprietor had no right to abridge the width of the stream or to interfere with its regular course, and that there had been an actual trespass on the plaintiff's bank and also on that half of the *alveus* or bed of the river which belonged to the plain-

tiff. For the defendant reliance was placed on the fact that no appreciable damage to the plaintiff was proved, and that what was done was with the object of preventing the old course of the river from being altered, and was as much a benefit to the plaintiff as it was to the defendant. The judgment of the Supreme Court of Victoria was to the effect that everything done *in alveo* that produces no sensible effect on the stream is allowable. The court observed that the plaintiff was driven to contend that where there is a stream with riparian owners on either bank it is a principle of law that no riparian owners can touch in any way whatever the bed of the stream for any purpose. The result of this would be, in a country in many parts of which water was often scarce and of great value, that the stream would never be used for its true purposes and the improvement of the country would be checked. It must be remembered that the two things—the *alveus* and the stream—were regulated by different principles of law. So far as the *alveus* was concerned, it might be taken to belong to the proprietors of the land on either side up to the middle line of the stream. The stream of water was another thing. Each riparian proprietor was entitled to use the water of the stream for any purpose that he desired provided that he did not by that use sensibly diminish the quantity of the water for the other riparian proprietors or, as against them, sensibly obstruct or diminish the water. Applying these principles, the court held that the obstruction caused by the dam was a lawful obstruction, because it had not sensibly diminished, obstructed, or diverted the stream. With regard to the weir, it did not obstruct the natural flow of the stream, and according to all the authorities, was not a breach of the law. It was erected with the object of preserving the river in the state in which it then was, and not with the object of forming a new stream. The court left the question of trespass undecided as the materials for a decision were not before them.

Sturdy Beggars.

A CASE, called in some of the newspapers a "Romance in Real Life," recently came before the Guildhall police-court, the person accused, who was the occupier of a house in Upper Norwood, being charged under 5 Geo. 4, c. 83 (the Vagrant Act), with placing himself in a public street in the City of London to beg or gather alms. The evidence of the police was to the effect that the defendant had stationed himself in the street, affecting to be paralyzed and carrying an old cigar-box containing six boxes of matches. He was seen to receive money from ladies and gentlemen, who, however, declined to take his matches, and he was said to have made in this way about six pounds a week. The police stated that they had followed him to the suburbs, and had found that he was an impostor and was not paralyzed. Every reader of the classic authors will remember that similar impostures existed in the days of ancient Rome. Far back in the history of England they had attracted the attention of the criminal courts. Even where the mendicant was actually crippled, but had brought about his own disability, the law interfered. Lord COKE tells us that, on his circuit in the county of Leicester, one WRIGHT, "a young, strong, and lustie rogue, to make himself impotent and thereby to have the more colour to begge or to be relieved without putting himself to any labour, caused his companion to strike off his left hand," and that both of them were indicted and punished. A statute of Edward the Sixth (afterwards repealed) seems to be especially aimed at the case which came before the court at the Guildhall, for it provides that none are "to go or to sit openly a begging." The Poor Relief Act of Elizabeth succeeded this statute, and has been in force for more than three hundred years, and the number of charitable societies in England continues to increase, but it may be doubted whether a statement in one of the earlier statutes that "all parts of this realm of England and Wales be presently with sturdy beggars exceedingly pestered" could not be repeated at the present day. The opinion of Dr. BURN, the great authority on poor law, that if none were to give none would beg, and the whole mystery and craft would be at an end in a fortnight, may be a sound one, but it has little chance of being followed in practice.

The Smoke Nuisance.

CHIMNEYS which send forth black smoke in such a quantity as to be a nuisance are, in cases outside the metropolis, by section 91 of the Public Health Act, 1875, and in cases within the metropolis, by sections 23 and 24 of the Public Health (London) Act, 1891, offences liable to be dealt with by magistrates in the exercise of their summary jurisdiction. Those who are familiar with the large towns in the North of England must often wonder whether any serious effort is made to enforce this law, and there is strong evidence that the decay of our cathedrals and other ancient buildings is accelerated by the increasing smoke. In London a society has been formed to deal with the smoke nuisance, and it is the constant complaint of this society that the law for its repression is not prosecuted with sufficient vigour. In a case in which the Great Eastern Railway were summoned last week for allowing black smoke to issue from a standing engine in their goods depôt at Hackney, the magistrate appears to have taken rather a lenient view of the liability of the company. A witness having been called who saw smoke issuing from the company's engine, was asked whether he entered the company's premises and complained of the nuisance. When he admitted that he made no complaint at the time, the magistrate observed that if he had, the nuisance would have been stopped and the object of the law attained. After hearing further evidence, the magistrate imposed a nominal penalty "because he was not satisfied that anything was done to draw the attention of the company to the grievance." We cannot but think that if the law is administered in this fashion very little progress will be made with the repression of the smoke nuisance. There is a child's story of one whose invariable excuse for any wrongful act or omission was "You should have told me," &c. The owners of factory chimneys may surely be left to discover for themselves whether what they are doing is calculated to cause discomfort and annoyance to the neighbourhood.

County Court Jurisdiction.

AN ENTERPRISING interviewer on the staff of the *Daily News* has managed to extract from Mr. F. K. MUNTON some interesting "copy" on the subject of county courts and the increase in their jurisdiction which is just about to take effect. Mr. MUNTON, as Chairman of the Law Society's County Court Committee, speaks with considerable authority on the subject, and many years ago he advocated changes in the constitution of the county courts with a view to their fusion with the High Court. It is difficult to resist the belief that, with their enlarging share in the important litigation of the country, some such result is bound to follow. Mr. MUNTON expresses the opinion that, roughly, at least a quarter of the cases hitherto tried in the High Court will in future, under the £100 limit, be heard in the county court. If this forecast is verified, then it will become a serious question whether the county courts, especially in the metropolis and in the larger towns, will be able to grapple with the increased business. But it may be assumed that the Lord Chancellor will take speedy steps to remedy any inconvenience in this respect which may be the outcome of the failure of the County Courts Bill of last session. By re-arranging work and—probably—by appointing more judges, the county courts will have to be made equal to the discharge of their new duties. When this is done and the Act of 1903 is in full operation, their position as district courts will have become so much improved that it will be very difficult to maintain their present entire separation from the High Court and the present impassable gulf between the High Court and the county court bench. Mr. MUNTON suggests that there should be two classes of county court judges, the lower judgeship being a stepping-stone to the higher; the juniors taking the debt-collecting business, and the seniors trials involving important issues. But this does not appear to be very practicable. Routine work should be done by the registrars, and appointments to the county court bench should be limited to men who can undertake the responsibilities which the position increasingly involves.

Electric Tram Noises.

IT IS STATED that the Middlesex local authorities have recently held a conference to determine what procedure should be adopted with the view of prevailing on the London United Electric Tramways Co. to abate the intolerable nuisance caused by the noise of their cars. The nuisance caused by the noise of electric cars, motor cycles, and other vehicles in rapid motion is no

doubt a serious one. But, assuming that the noise which they produce while in motion could be suppressed, a more serious nuisance might be caused to foot passengers, who would be deprived of the warning which they now receive of the rapid approach of what is a source of danger to them. It seems to us that little can be gained by dealing separately with grievances arising from the traffic in the streets of London and our larger towns, and that the better course would be to inquire as to the best mode of regulating this traffic in the interests of the whole community.

Some Points on the Licensing Act, 1904.

I.

In a few weeks the Licensing Act, 1904, will be in force, as it comes into operation on the first day of next year. It is a measure of very great importance, not only to "the trade," but to the public in general. For many years it was universally assumed that, as long as a licence-holder behaved well, his licence would be annually renewed as a matter of course. On this assumption property was valued and large sums of money were invested. But in 1891 came a rude awakening, for in that year the House of Lords decided, in the famous case of *Sharp* v. *Wakefield* (37 W. R. 137; 1891, A. C. 173), that, provided licensing justices act judicially, their discretion is absolute to grant or refuse the renewal of a licence. Since that decision the renewal of a licence has been refused in hundreds of cases, merely on the ground that the licence was unnecessary, as the district was sufficiently supplied with licensed houses without the house in question. During the last few years the tendency of licensing justices to reduce the number of the public-houses in their districts has been growing rapidly; and no doubt in some cases great hardship was the result, as money invested on the old assumption, to which reference has been made, is very often absolutely lost.

Now the Legislature has intervened, and by this Act has created some safeguard against licence-holders being deprived of their means of livelihood, without compensation, for causes quite beyond their own control. The effect of section 1 of the Act is to deprive licensing justices of part of the large discretion to refuse renewals which they now possess. Henceforward they may refuse the renewal of an existing on licence only upon one or more of four specified grounds: (1) That the premises have been ill-conducted; (2) that the premises are structurally deficient or structurally unsuitable; (3) upon grounds connected with the character or fitness of the proposed licensee; (4) upon the ground that the renewal would be void. The grounds for refusing a transfer of a licence are the same as those for refusing a renewal. The justices, having found the existence of any one of these grounds, may refuse at their discretion, and the law applicable to the state of things remains unchanged. Therefore, in case of such a refusal, the aggrieved party will have a right (as now) to appeal to quarter sessions. The burden of proving that the appellant ought to lose his licence will be on the objector, and the appellant will have the advantage of having his case re-heard *ab initio* by a fresh bench of magistrates, who will be bound by the same limitations upon their discretion as were the licensing justices.

The first of the above-mentioned grounds is that the premises have been "ill-conducted." This is a very wide term, to which it is impossible to put limits, but from other Acts we can get an idea of some of the things which in the opinion of the Legislature go to prove that the house is ill-conducted, *e.g.*, if the house is frequented by thieves or prostitutes or other persons of bad character. But the Act itself, in section 9 (2), supplies two examples of what may constitute an ill-conducted house. A house may be considered to be ill-conducted where the licensee has persistently and unreasonably refused to supply suitable refreshment (other than intoxicating liquor) at a reasonable price, or where he has failed to fulfil any "reasonable" undertaking given to the justices on the grant or renewal of the licence. The second of these grounds of refusal does not call for much comment, beyond that made in our issue of last week, but the first is somewhat remarkable. It is obvious that justices may have to answer some very difficult questions—*e.g.*, Were the provisions which were offered "suitable"? Was the price asked reasonable? It is not at all clear what "suitable" means. Are the refreshments to be suitable to the class of house, or suitable to the position in life of the person requiring them? The expression "ill-conducted," however, is very wide and rather vague, and throws a very large discretion upon the justices.

Again, the justices may refuse a renewal if the premises are structurally deficient or structurally unsuitable. Probably different benches of justices will take widely different views of what the structure of a public-house ought to be, but it is clear that here is very wide scope for the exercise of discretion. A house may be thought to be too small, and in that case may, apparently, be closed without compensation and without any opportunity being afforded of rebuilding or enlarging. It is to be noticed that it is only defects of *structure* that can be used as a ground of refusal; mere decorative dilapidations are not sufficient; but "structure" includes a good deal. For example, it has been held, in a case under the Public Health Acts, that a defective drain constitutes a structural defect.

With regard to the character and fitness of an applicant for renewal, it is clear that, however good his character may be, the justices may refuse his application if they consider him unfit to hold a licence. Thus, it is suggested, they might properly refuse on the ground that the applicant was without experience of the business upon which he desired to embark, and that from the position and character of the house it was desirable that the holder of the licence should be a man of experience.

The last ground on which the licensing justices may refuse a renewal—namely, that the renewal would be void—admits of little discussion. Certain persons are absolutely precluded by law from holding a licence; and, therefore, a grant to any such person would be void. Thus, by section 14 of the Wine and Beerhouse Act, 1870, every person convicted of felony is for ever disqualified from selling spirits by retail. Again, by section 45 of the Licensing Act, 1872, houses below certain annual values are not qualified to receive a licence. It is no doubt to such cases that the Act refers.

These four grounds are the only grounds upon which licensing justices may refuse to renew an existing licence; but it must be remembered that the Act in no way cuts down the discretion of the justices with regard to the granting of a new licences. On applications for the granting of a new licence their discretion to refuse on the above-mentioned grounds is absolute and not subject to any appeal.

The case will now be considered where renewal is objected to upon other grounds that the four above mentioned; for example, upon the ground that the house is not required because of the large number of other houses in the neighbourhood. The licensing justices have jurisdiction to hear such objections and to thoroughly examine and investigate them. If, having done so, they come to the conclusion that the renewal should not be granted, or that the question requires further consideration, they are to prepare a report upon the facts and refer the matter to quarter sessions. Meanwhile the licence will be provisionally renewed according to rules which are to be made by the Home Secretary.

Quarter sessions are then bound to consider this report, and may refuse to renew the licence to which it refers, subject to the payment of compensation. As a condition precedent, however, to their refusal to renew, quarter sessions must give an opportunity of being heard to "the persons interested in the licensed premises," and also, unless they think it unnecessary, to any other persons who appear to them "to be interested in the question of the renewal of the licence of those premises." The procedure on the consideration by quarter sessions of such reports is to be regulated by rules to be made by the Home Secretary, which rules have not yet been published. The question here at once suggests itself—who are the persons interested in the licensed premises? It is to be noticed that it is only persons interested in the *premises*, not merely in the *business*, who have the right to be given an opportunity of being heard. Persons interested in the business, however, may be heard, as they clearly have an interest in the question of renewal. The Acts of 1872 and 1874 supply some guide as to the persons who are to be considered as interested in the

premises. Section 74 of the first-named Act defines the "owner" of licensed premises to mean "the person for the time being entitled to receive, either on his own account, or as mortgagee or other incumbrancer in possession, the rack-rent of the premises." Such person is entitled, under section 56 of the same Act, to receive notice of the fact of a conviction against the occupier of the premises. The right to receive such notice is extended, by section 29 of the Act of 1874, to "any person possessing an estate or interest in the premises whether as owner, lessee, or mortgagee, prior or paramount to that of the immediate occupier," on condition that such person applies to the clerk to the justices to be registered as owner, and pays a small fee. All such persons, therefore, as well as the holder of the licence, are no doubt persons contemplated by the Act. The objectors before the licensing justices will probably be considered as interested in the question of the renewal, as also will the police authority of the district. The licensing justices of the district are expressly mentioned as interested in the renewal. As mentioned above, rules are to be made governing the procedure on the consideration of these reports, but it may be presumed that the proceedings will be somewhat similar to the proceedings on an appeal from a refusal to renew. Having considered the report, quarter sessions then either renew the licence or else refuse to renew it. If they take the latter course, compensation must be paid.

The Act applies only to on-licences; it does not seem in any way to affect off-licences. The expression "on-licence" is defined to mean "a licence for the sale of any intoxicating liquor (other than wine alone or sweets alone) for consumption on the premises." The Act applies, therefore, to fully-licensed houses and to beerhouses; but with regard to "*ante* 1869 beerhouses," the foregoing sketch of the operation of the Act requires some modification. At present, as is well known, these beerhouses enjoy a very valuable privilege, for justices cannot refuse to renew their licences except on one or more of four grounds set out in section 8 of the Wine and Beerhouse Act, 1869. The privilege is by the new Act to a great extent taken away, and it certainly does seem somewhat extraordinary that the opportunity has not been taken of putting them precisely on the same footing as other on-licences. They are not on the same footing, however, and they still maintain some advantage in position over other licences. On the one hand, it is true that quarter sessions may, on a report from justices, now refuse to renew an *ante* 1869 beerhouse licence for *any* good reason, subject to compensation; but, on the other hand, the justices cannot refuse to renew on the grounds stated in the new Act, but may on the old grounds contained in the 1869 Act. In short, the grounds mentioned in the 1869 Act are substituted for the grounds in the new Act in the application of the new Act to these beerhouses. The importance of this lies in the fact that the old grounds are not nearly so wide and comprehensive as the new. Thus, in the old grounds the failure to produce satisfactory evidence of good character enables the justices to refuse a renewal, but there is nothing as to unfitness, apart from character. Again, with regard to the management of the house, it has been noticed how very wide the new grounds are in giving power to refuse a renewal where the house has been "ill-conducted." The corresponding ground under the 1869 Act is that the house is "of a disorderly character or frequented by thieves, prostitutes, or persons of bad character." It will appear at once how much more limited this ground is; and it is to be remembered, too, that it does not include the failure "to supply suitable refreshments (other than intoxicating liquor) at a reasonable price." But probably the most important difference between the two sets of grounds is that the 1869 grounds say nothing at all about structural deficiency. This gives the *ante* 1869 beerhouses an advantage over other houses. For, whereas the licence of another house may be refused without compensation because it is structurally deficient, these beerhouses, if structurally deficient, can only be closed with compensation. It must be remembered, however, that by section 11 (4) of the Licensing Act, 1902, justices have considerable powers of ordering reasonable alterations to be made in any premises to which any on-licence applies. The *ante* 1869 beerhouses, therefore, will still continue to enjoy some privileges which other houses do not possess.

(To be continued.)

The Doctrine of Renvoi in Private International Law.

It is matter of common knowledge that there are important cases pending in our courts on which the modern theories of continental jurists on private international law may come up for discussion and perhaps for judicial decision. The most important of these is what is commonly known as the doctrine of Renvoi, to use the accepted French term. The absence of an English word is enough to shew how far the idea is from being fully naturalized. It is premature perhaps to suggest a term, but for the sake of clearness to English readers we may use the expression "Passing on." We already have the doctrine of "Passing off" as applied to goods, and "Passing on" will serve our purpose and assist the understanding of our remarks.

The theory arises out of the necessary application of old law to new problems, which themselves spring out of the modern legislation of some countries on subjects closely touching the whole structure of private international law. Formerly it was the accepted view of the courts and jurisprudents of all civilized countries that "domicil" alone governed what is called the "personal statute," and that the law of the domicil controlled the succession to personal property on death, the legal capacity to contract, and other like problems. But the intense spirit of nationality which was manifested in recent European wars found its way also into the legislation and codification which followed them. There has been a restless energy in such legislation, notably in Italy, France, and Germany. In all these countries, though not to the same extent in all, the theory of nationality has ousted the theory of domicil. And legislation has declared that the personal status of a foreigner resident in these countries is to be governed by the law of his nationality.

There thus arises an apparent conflict between the countries which have moved in this direction and those which have not. To take two instances. First, where an English court has to decide on the intestate succession to an Englishman domiciled in France. Formerly the French law of succession applied without doubt. Now the question arises, Is the French law of succession to be applied, or does the new French rule require that the law of the nationality of the foreigner is to be applied, in which case there is a "Renvoi" or "passing on" to English law again. Secondly, if a Danish court is deciding on the succession of an Englishman domiciled in France, is the Danish court to apply French law, or (under the new rule) English law, sent thither by French legislation? This last process is also called Renvoi in French, although it is in no sense a "sending back" but a "sending further." The Germans are more accurate and distinguish between the two processes as "Züruckverweisung"=sending back, and "Weiterverweisung"=sending further. The suggested English term—Passing on—appears to properly include both processes, for "passing back" is but one form of "passing on."

Are the English courts, then, to adopt this doctrine of "passing on," or adhere to their former rules? This is the question which has called forth a most learned monograph from the pen of Mr. J. Pawley Bate*, who has collected and marshalled with rare industry and knowledge, (1) the writings of the continental and English jurists; (2) the decisions of the foreign courts; and (3) such decisions of the English courts as there are. We have not space to consider in detail the arguments, but we can very strongly recommend them for the careful perusal of theoretical and practical lawyers. The conclusion suggested—though cautiously suggested—is that the English courts ought to abide by their own principles in the absence of legislation to the contrary, and decline to take a hand in the game of passing on, which is described by one writer as the reduction of law to lawn tennis. We regret that for the sake of brevity Mr. Bate has had recourse to a quasi-mathematical formula, which may at first repel some readers. For instance, our second proposition above would be thus represented: "Denm., L. For. $\rightarrow$ Fr., L. Dom. $\rightarrow$ Eng., L. Nat." But this is easily mastered, and ought not to deter those whose interest or duty it is to master these questions. The study is undoubtedly a learned addition to English treatises on private international law.

* Notes on the Doctrine of Renvoi in Private International Law. By J. Pawley Bate, Reader of International Law, &c., to the Inns of Court, &c. Stevens & Sons (Limited).

Sir Henry Hawkins.

When Sir Henry Hawkins retired from the bench we ventured to inquire why our laboriously conscientious judges, with all their ability, are so unimpressive? The answer is probably that so few of them are, like the retired judge, dramatic personalities. He always struck us as one of the finest actors who ever sat on the bench, and it is not a little interesting to find from the amusing book which has recently appeared* that in his youth he loved acting and had a passion for the stage. This bent was no doubt one of the causes which conduced to make him a great advocate and an impressive and conspicuous, though not a great, judge. Other causes were, of course, his faculty of clear and concise statement of complicated facts, his subtle insight into the shady side of human nature, his humour and his dogged persistence. Of these qualities there are abundant illustrations in the book.

The story of the judge's early years—how he revolted at the drudgery of the solicitor's office, and read for the bar on an allowance of £100 a year; his delight at his first fee, and his gradual rise into practice—is well and simply told. He spent a good deal of his time at quarter sessions, and says: "I watched and waited with unwearied attention; never without hope, but often on the very verge of despair, of ever making any progress which would justify my choosing it as a profession. My greatest delight, perhaps, was the obtaining an acquittal of someone whose guilt nobody could doubt. All the struggle of those times was the fight for the 'one-three-six,' and the hardest effort of my life was the most valuable, because it gave me the key which opened the door to many depositories of unexplored wealth."

He also practised at the Old Bailey, and gives a lurid account of the way in which cases were hurried over in those days. A man was tried for picking pockets on Ludgate-hill. The prosecuting counsel examined the prosecutor: "I think you were walking up Ludgate-hill on Thursday, the 25th, about half-past two in the afternoon, and suddenly felt a tug at your pocket, and missed your handkerchief, which the constable now produces. Is that it?" "Yes, sir." "I suppose you have nothing to ask him?" says the judge. "Next witness." Constable stands up. "Were you following the prosecutor on the occasion when he was robbed on Ludgate-hill, and did you see the prisoner put his hand into the prosecutor's pocket, and take his handkerchief out of it?" "Yes, sir." Judge to prisoner: "Nothing to say, I suppose?" Then to the jury: "Gentlemen, I suppose you have no doubts? I have none." Jury: "Guilty, my lord," as though to oblige his lordship. Judge, to prisoner: "Jones, we have met before—we shall not meet again for some time. Seven years' transportation—next case." Time: Two minutes fifty-three seconds. By way of a picture of the brutality of the old criminal law, Lord Brampton prints a copy of the calendar for the Lincolnshire Lent Assizes in 1818 in which the words "guilty—death" for trivial offences constantly occur. As he says, "At every assize it was like a tiger let loose in the district." There were judges who seem to have revelled in their cruel work, and one of them, Mr. Justice Graham, who, we are told, was the pink of politeness, was quite affable over the work of sentencing prisoners to death. He had once to sentence sixteen men to capital punishment, mostly for petty thefts. He inadvertently omitted one name, and after the men had left the dock, the gaoler mentioned the omission:

"What is the prisoner's name?" asked Graham.

"John Robins, my lord."

"Oh, bring John Robins back—by all means let John Robins step forward. I am obliged to you."

The culprit was once more placed at the bar, and Graham addressing him in his singularly courteous manner, said apologetically:

"John Robins, I find I have accidently omitted your name in my list of prisoners doomed to execution. It was quite accidental, I assure you, and I ask your pardon for my mistake. I am very sorry, and can only add that you will be hanged with the rest."

A good deal is told of Lord Brampton's "leading cases" and experiences as an advocate, and this is perhaps the best part of the book. There are some excellent stories of his encounters with experts in handwriting, of which the following must serve as a specimen. He once appeared for the defendant in a libel action which turned on a question of handwriting. Mr. Nethercliffe, senior (*sic*, should not the name be "Netherclift"), was called for the plaintiff, and when Mr. Hawkins rose to cross-examine, he handed the expert six slips of paper, each of which was written in a different kind of handwriting:

"Netherclift took out his large pair of spectacles, magnifiers, which he always carried. Then he began to polish them with a great deal of care, saying, as he performed that operation:

"'I see, Mr. Hawkins, what you are going to try to do—you want to put me in a hole.'

"'I do, Mr. Netherclift; and if you are ready for the hole, tell me—were those six pieces of papers written by one hand at about the same time?'

"He examined them carefully, and after a considerable time answered:

"'No; they were written at different times and by different hands!'

"'By different persons, do you say?'

"'Yes, certainly!'

"'Now, Mr. Netherclift, you are in the hole! I wrote them myself this morning at this desk.'

"He was a good deal disconcerted, not to say very angry."

There is also an amusing story about a grateful client whom Mr. Hawkins had successfully defended on a charge of burglary. He met him afterwards and the following conversation ensued:

"Would a teapot be of any use to you, Mr. Orkins? Yes, sir, or a few silver spoons—anything you like to name, Mr. Orkins."

Mr. Orkins declined the offer. Another story illustrates his ready wit. He was engaged in a case relative to a collision between a brougham and an omnibus. His junior was a Mr. Shaw, an Englishman, who offended Lord Campbell, the judge, by pronouncing "brougham" as if it were spelt with two syllables.

"Mr. Shaw," said Lord Campbell, "there is a way in Scotland we have of calling things by their reicht naames; but we're in England, and I would obsarve that the name of the noble and larned lord was not Broug-ham, but Brougham. It is Saunterday afternoon, and, in addition to its being inelegant to call things by their wrong naames, it is a reason why it should be called as if spelt Broom. It would just save a syllable which is altogether just waaste, and would shorten the proceedings."

After this long speech, which wasted much more time than the fault complained of, the case proceeded, until presently Campbell asked a witness which course was pursued by the omnibus.

I was waiting my opportunity, and at last seized it.

"My lord," I suggested, "as we all desire, with your lordship, to get away, it being Saturday afternoon, would your lordship see any great objection to calling that vehicle a 'bus? By that pronunciation we should save two syllables more."

Campbell, who, although quick-tempered, was, nevertheless, quite appreciative of a good joke, laughed heartily, and said, with affected pomposity suitable to the occasion:

"Be it so, Mr. Hawkins."

The part of the book relating to Lord Brampton's career on the bench is a little disappointing. We read of some of the criminal cases he tried, but we hear little of the civil cases which came before him. The main object appears to be to refute the notion that he was a "hanging" or severe judge. As to this he says: "Society in my opinion should be protected from murderers. . . . I was never hard to a prisoner. The least circumstance in mitigation found in me a hearty reception, but cruelty in man or woman, an unflinching judge." His sentences were matters of the gravest consideration with him. "My first care was never to pass any sentence inconsistent with any other sentence passed under similar circumstances for another though similar offence. Then I proceeded to fix in my own mind what ought to be the outside sentence that should be awarded for that particular offence had it stood alone; and from that I deducted every circumstance of mitigation, provocation, &c., the balance representing the sentence I finally awarded, confining it purely to the actual guilt of the prisoner."

He tells of one case in which he stretched a point to save an unhappy prisoner. A poor girl had endeavoured to drown herself and her child and did drown her child. "At the trial there was no defence to the grave charge of wilful murder except one, and that I felt it my duty to discountenance. I think the depositions were handed to a yonng barrister by my order, and that being so, I exercised my discretion as to the mode of defence. In other words, I defended the prisoner myself. In order to avoid the sentence that would have followed an acquittal on the ground of insanity, which would have entailed perhaps lifelong imprisonment, I took upon myself to depart from the usual course, and ask the jury whether, without being insane in the ordinary sense, the woman might not have been at the time of committing the deed in so excited a state as not to know what she was doing. I thus avoided the technical form of question sane or insane, and obtained a verdict of guilty, but that the woman at the time was not answerable for her conduct, together with a strong recommendation to mercy. This verdict, if not according to the strictest legal quibbling, was according to justice. I was about to pronounce sentence in accordance with the law, which it was not possible for me to avoid, however much my mind was inclined to do so, when the pompous old high sheriff, all importance and dignity, said: 'My lord, are you not going to put on the black cap?' 'No,' I answered, 'I am not. I do not intend the poor creature to be hanged, and I am not going to frighten her to death.' Addressing her by name, I said: 'Don't pay any attention to what I am going to read. No harm will be done to you. I am sure you did not know in your great trouble and sorrow what

* The Reminiscences of Sir Henry Hawkins, Baron Brampton. Edited by Richard Harris, K.C. (Edward Arnold.)

you were doing, and I will take care to represent your case so that nothing will harm you in the way of punishment.' I then mumbled over the words of the sentence of death, taking care that the poor creature did not hear them, much, no doubt, to the chagrin of the high sheriff and to the lowering of his high office and dignity. Nothing so enhances a sheriff's dignity as the gallows."

One of the most interesting and satisfactory statements in this part of the book is Lord BRAMPTON'S frank avowal that after having spoken and written against the Criminal Evidence Act he was converted into complete belief in its efficiency as a protection to the innocent. A doctor was accused of a crime against a female patient. Everything seemed to prove that he was guilty, and Mr. Justice HAWKINS himself believed in his guilt. Then the doctor himself went into the witness-box, and the following result followed:

"Let me now say that, even before he was sworn, his manner made a great impression on my mind. And on this subject I would like to say that few judges or advocates sufficiently consider it. The greatest actor has a manner. The man who is not an actor has a manner, and if you are only sufficiently read in the human character it cannot deceive you, however disguised it may be. A witness's evidence may deceive, but his manner is the looking-glass of his mind, sometimes of his innocence. It was so in this case. The man was not acting, and he was not an actor. This made the first impression on my mind, and I knew there must be something beneath it which only he could explain. I waited patiently. It was much more than life or death to this man. The next thing that impressed me was that there was not the least confusion in his evidence or in himself. His tone, his language, could only be the result of conscious innocence. It was not very long before I gathered that he was the victim of a cruel and cowardly conspiracy. It was absolutely a case of blackmailing, and nothing else. I believed every word the man said, and so did the jury. His evidence acquitted him. He was saved from an ignominious doom by the new Act, and from that moment I went heart and soul with it; however much it may be a danger to the guilty, it is of the utmost importance to the innocent."

The book is amusing as a collection of the table-talk and stories of a shrewd observer. There are some things, however, which might have been altered with advantage. So well known a judge as Chief Justice ERLE should not have been constantly called Chief Justice "EARL," and the contempt for Chancery judges and Chancery leaders which occasionally peeps out would have been better suppressed.

The Admission of Solicitors in the Reign of George IV.

A VOLUME which a correspondent has kindly forwarded for our perusal is eloquent of the simplification effected by modern changes in the routine which a solicitor must go through in order to be qualified to practise his profession. The volume consists of the bound-up original admission certificates of the late Mr. JAMES BIRKETT, who was born in 1805, and died in 1891. The certificates range in date from 1827, when Mr. BIRKETT was admitted an attorney of the Court of King's Bench, to 1849, when he received his appointment as perpetual commissioner for acknowledgments of married women in the county of Lancaster. To be admitted as attorney, it was necessary that the candidate should have served his five years under articles, and should, for a full term previous to the term when he made his application, have caused his name and place of abode and the name of the attorney under whom he had served his articles to be posted on the outside of the Court of King's Bench. Under 2 Geo. 2, c. 23, s. 2, it was the duty of the judges of the court, or one or more of them, to examine and inquire, by such ways and means as they should think proper, touching the fitness and capacity of the applicant to act as an attorney, and they were required to administer to him the following oath: "I, A. B., do swear that I will truly and honestly demean myself in the practice of an attorney, according to the best of my knowledge and ability." But the duty of examination was not taken seriously in those days, and if there was no opposition to the admission, and the candidate could produce satisfactory testimonials of faithful service from the attorney to whom he had been articled, the judges appear to have dispensed with his personal examination. The service under articles had to be proved by affidavit, and upon the necessary documents being left at the master's office, one of the judges granted his fiat for the admission. A time was then appointed for attendance in court, when the candidate took the oaths and was formally admitted. The following is the form of certificate which was granted to Mr. BIRKETT:

"In the King's Bench.

"Trinity Term in the Eighth Year of the Reign of King George the Fourth.

(Stamp £25). "It appearing unto this court that JAMES BIRKETT the younger of Norfolk-street, Strand, in the county of Middlesex, gentleman, is duly qualified to act as an attorney of his Majesty's Court of King's Bench, at Westminster, and he having this day taken in open court the oaths appointed to be taken, instead of the oaths of allegiance and supremacy, and also taken and subscribed the oath appointed to be taken by attornies by an Act of Parliament made and passed in the second year of the reign of his late Majesty King George the Second, entitled 'An Act for the better regulation of attornies and solicitors'; This court doth hereby admit him an attorney of the said Court of King's Bench, and doth order his name to be enrolled by the proper officer of the said court, pursuant to the direction of the said Act. Dated the eighteenth day of June, in the year of our Lord 1827."

The King's Bench at that time consisted of Lord TENTERDEN, C.J., and BAYLEY, HOLROYD, and LITTLEDALE, JJ., but the certificate is signed with the words "By the Court," and does not bear the signatures of any judges individually. It is endorsed beneath this signature as "Enrolled this same day. THO. LE BLANC." THOMAS LE BLANC was apparently the chief clerk of the court, and was very probably a relative of Sir SIMON LE BLANC, who was a judge of the King's Bench from 1799 to 1816, and on whose death the reporters of the court expressed their testimony to his character in the words, "*Illo nemo neque integrior erat in civitate neque sanctior*" (5 M. & S., p. 1). His father's name was THOMAS LE BLANC. The reference to the taking of certain oaths in substitution for the oaths of allegiance and supremacy is at first sight confusing, for such oaths were required to be taken by all barristers, attorneys, and solicitors by 7 & 8 Will. 3, c. 24. But the confusion is due to the fact that by 1 W. & M. c. 8, the old oaths of allegiance and supremacy were abrogated, and new ones introduced, and the language of the certificate seems to be framed in view of this change.

Armed with the certificate of his admission to the Court of King's Bench, Mr. BIRKETT was able to secure, as a matter of course, his admission to other courts which were open to attorneys generally. His certificate of admission to the Court of Common Pleas is dated the same day as the former certificate, and recites the admission to the King's Bench. In other respects it follows the same form, but it is not signed generally "By the Court." It bears the signature of Mr. Justice GASELEE. The other judges constituting the court were BEST, C.J., and PARK and BURROUGH, JJ. It is interesting to note that on that day the court decided the famous case of *Young* v. *Grote* (12 Moo. 484, 4 Bing. 253) on the exemption of bankers from liability for loss through payment of a forged cheque where the forgery has been facilitated by the conduct of the customer. It may also be remarked that the real or imaginary peculiarities of Mr. Justice GASELEE are supposed to have furnished the material for the picture of Mr. Justice Stareleigh in Pickwick.

A few days later—on the 5th of July, 1827—Mr. BIRKETT was admitted as a solicitor of the High Court of Chancery. For this purpose he had to obtain a certificate of qualification, signed by two practising barristers and a clerk in court, and, theoretically, he underwent further examination. But this did not in fact take place, and the admission as a solicitor followed the admission as an attorney as a matter of course. The Master of the Rolls at the time was Sir JOHN LEACH, and Mr. BIRKETT'S certificate of admission, which was in terms similar to the previous certificate, bears that judge's signature. It was Sir JOHN LEACH'S habit of hasty decision, with but little regard to the authorities, as compared with Lord ELDON'S delay, that gave rise to the saying that the Chancellor's Court was the court of *Oyer sans terminer*, Sir JOHN LEACH'S that of *Terminer sans oyer*. These certificates completed Mr. BIRKETT'S title to practice in the superior courts, but the omission of any certificate of admission to the Court of Exchequer is noteworthy. The admission in Chancery entitled him to practice on the equity side of the Exchequer (*Meddowcroft* v. *Holbrook*, 1 H. Bl. 50), and the practice on the common law and revenue side was in 1827 confined to the clerks in court. It was not till 1830 that the statute 11 Geo. 4 & 1 Will. 4, c. 70, by section 10 threw open the Court of Exchequer to attornies who had been admitted to the King's Bench and Common Pleas.

Later in the year 1827 Mr. BIRKETT took out his London practising certificate, in which he is described as of No. 85, Wells-street, Oxford-street. It was dated the 16th of November, 1827, and is signed by "TEESDALE COCKELL, Registrar." It required to be entered in the King's Bench, and is endorsed by "T. LE BLANC" as being so entered on the 18th of June, 1828. It bears a stamp of £6. He also, it appears, practised at Liverpool, and is described as of that place in the country certificate (stamp £4), which he took out on the 31st of December, 1828, and which was entered in the King's Bench on the 5th of January, 1829. The next step was to obtain the various certificates which entitled him to take affidavits. On the 10th of April, 1829, he was appointed master extraordinary in

Chancery, and thereby was empowered to take affidavits in matters in Chancery beyond a radius of twenty miles from London. The language of the certificate of appointment is interesting. Fresh oaths had been taken, and a commission of *Dedimus protestatem* had been issued to administer them. All this is duly recited. Then on the 6th, 7th, and 10th of March, 1830, follow the appointments for taking affidavits in the King's Bench, Common Pleas, and Exchequer respectively. These are for the counties of Chester, York, Stafford, Flint, and Lancaster, the cities of Chester, Lichfield, and York, the town of Kingston-upon-Hull, and the counties of the same cities and towns. The appointments are witnessed by Lord TENTERDEN, Sir W. D. BEST, and Sir W. ALEXANDER, the heads of the courts, respectively. On the 21st of December, 1830, there is an appointment as commissioner for affidavits in the County Palatine of Lancaster by warrant of Vice-Chancellor HOLT.

The next of Mr. BIRKETT's certificates was an admission to practise in bankruptcy. This is dated the 7th of September, 1832, and was given "By Order of the Court of Review." This was a court founded by 1 & 2 Will 4, c. 56, and consisted of any three or more of the judges who constituted the Court of Bankruptcy. It had superintendence and control in all matters of bankruptcy. The list concludes with two of the annual practising certificates after three years' admission. These are both country certificates under a stamp of £8, and are for 1833 and 1834. Mr. BIRKETT does not appear to have kept up his London certificate. These certificates are still under the hand of TEESDALE COCKELL as registrar, and are endorsed by T. LE BLANC as entered at his office. Finally, there is an appointment of Mr. BIRKETT on the 5th of November, 1849, to be a perpetual commissioner for taking acknowledgments of married women for the county of Lancaster. This is signed by Sir THOMAS WILDE, then Lord Chief Justice of the Common Pleas, but who in the following year became Lord Chancellor as Lord TRURO. The list of documents affords a very good insight into the numerous steps which a solicitor had to take in those days before he could reap the full advantage of his profession.

Reviews.

Death Duties.

HANSON'S DEATH DUTIES. FIFTH EDITION. By LEWIS T. DIBDIN, D.C.L., Dean of the Arches, and FRANCIS H. L. ERRINGTON, of Lincoln's-inn, Barrister-at-Law. Stevens & Haynes.

The fifth edition of this deservedly well-known text-book has been carried out with much care and many improvements by Mr. Errington, Sir Lewis Dibdin being now otherwise occupied with official duties. Mr. Errington has been assisted by Mr. C. S. Jackson. The relegation of the subject of probate duty to an appendix with small type is a significant reminder that the Finance Acts date from ten years ago, and that the question of probate duty is becoming relatively unimportant, an event appropriately synchronizing with the death of Sir William Harcourt, the author of the Estate Duty. Simultaneously, the portion of the book allotted to Estate Duty has largely increased, and here it is that the principal improvements are to be noted. The bewildering form of treating these Acts in the last edition has disappeared. Sub-sections no longer meander through meadows of notes of scarcely distinguishable type. Each section is printed whole in a bold type, and is followed by notes in a markedly distinct character. And, by way of a more complete consecutiveness, all the Acts are printed without notes at the end of this part, with marginal references to the pages at which the sections are treated in detail. This arrangement will much improve the usefulness of the book for the busy man, who does not appreciate that form of original research which reaches its highest perfection in the brains of experts in Bradshaw. The amending Acts and new decisions appear to be fully incorporated, and will combine with the new arrangement to make this book most acceptable to the profession.

Bankruptcy.

THE LAW AND PRACTICE IN BANKRUPTCY, COMPRISING THE BANKRUPTCY ACTS, 1883 TO 1890; THE BANKRUPTCY RULES AND FORMS, 1886, 1890; THE DEBTORS ACTS, 1869, 1878; THE BANKRUPTCY (DISCHARGE AND CLOSURE) ACT, 1887; THE DEEDS OF ARRANGEMENT ACT, 1887, AND THE RULES AND FORMS THEREUNDER. By the Right Honourable Sir ROLAND L. VAUGHAN WILLIAMS, Knt., a Lord Justice of Appeal. EIGHTH EDITION. By EDWARD HANSELL, M.A., Barrister-at-Law, Assisted by R. E. L. VAUGHAN WILLIAMS, B.A., and D. H CROMPTON, Barristers-at-Law. Stevens & Sons (Limited); Sweet & Maxwell (Limited).

The work of Lord Justice Vaughan Williams on Bankruptcy, which for several editions has fallen into the competent hands of Mr. E. W. Hansell, is too well known, and its position too firmly established, for a new edition to call for more than a short notice. In the last two or three years there have, perhaps, been no such leading cases as *Re Carter and Kenderdine's Contract* (1897, 1 Ch. 776), on the title of a purchaser under a voluntary settlement, or *Re Clayton and Barclay's Contract* (1895, 2 Ch. 212), on the power of the bankrupt to dispose of after-acquired property; but there is a continued output of new cases, and the utility of the book to the practitioner depends, of course, upon its being kept constantly up to date. The merit of the present edition seems to be in the recognition by the editor of this necessity rather than in any attempt at fundamental changes. The work offers to the lawyer a practical commentary on the statutes, section by section, and where important questions of principle are at stake—as in section 44, which defines the various descriptions of property divisible among creditors—the commentary assumes the proportions of a treatise. The present edition includes the County Court Rules and Forms of 1903 for regulating proceedings in the county courts under the Debtors Act, 1869.

Supreme Court Practice.

THE ANNUAL PRACTICE, 1905: BEING A COLLECTION OF THE STATUTES, ORDERS, AND RULES RELATING TO THE GENERAL PRACTICE, PROCEDURE, AND JURISDICTION OF THE SUPREME COURT. WITH NOTES, FORMS, &C. By THOMAS SNOW, M.A., Barrister-at-Law, CHARLES BURNEY, B.A., a Master of the Supreme Court, and FRANCIS STRINGER, of the Central Offices, Royal Courts of Justice. IN TWO VOLUMES. Sweet & Maxwell (Limited); Stevens & Sons (Limited).

The commencement of another legal year brings with it as usual a fresh edition of the White Book. The practice of the Supreme Court shews no tendency to simplification, and the continued discussion of points of procedure renders it essential for the practitioner to have the latest information he can obtain, whether in the way of judicial decision, or of expert guidance from the multitude of helpers, official and otherwise, whose services the editors have enlisted. In this respect no effort has been spared to keep the work fully up to date. A certain number of new rules which have been published during the past year have been incorporated, but in this respect there has been no considerable alteration. The notes to the rules maintain their character for fulness and helpfulness, and we may specially call attention to the care which is given to supply ample guidance to the very important statutory changes which recent years have introduced. This is especially seen in the notes to section 25 of the Judicature Act, 1873, where, under merger, so late a case as *Lea* v. *Thursby* (1904, 2 Ch. 57) is duly noted, and in the note (vol. 2, p. 366) on actions by and against married women. The Annual Practice is obviously making every effort to maintain its position.

Conveyancing Precedents.

AN ENCYCLOPÆDIA OF FORMS AND PRECEDENTS OTHER THAN COURT FORMS. By Eminent Conveyancing and Commercial Counsel, under the General Editorship of ARTHUR UNDERHILL, M.A., LL.D., Barrister-at-Law, assisted by CHARLES OTTO BLAGDEN, M.A., WILLIAM E. C. BAYNES, M.A., LL.M., ALFRED FRANK TOPHAM, LL.M., and VALE NICOLAS, Barristers-at-Law. Vol. IV.: COMMONS TO COMPANIES. Vol. V.: COMPANIES (DEBENTURES) TO EXECUTORS. Vol. VI.: FERRIES TO INSURANCE. Butterworth & Co.

These three volumes contain an amount of matter which it would be impossible within any reasonable limits to criticize in detail. It must suffice to say that many of the precedents have been tested in practice and found uncommonly useful. The characteristic of the work—namely, completeness—has been well kept up, and there are few transactions under the different headings as to which an appropriate form is not given. Even to the experienced practitioner, such a complete collection of precedents is of great value, while to the younger hand it is of especial service. Every one concerned in conveyancing will do well to have the work at hand.

Volume 4 is exclusively devoted to the subjects of Commons and Companies, the former subject being dealt with by Mr. G. P. Leach, the Assistant Commissioner to the Board of Agriculture, who has prefixed to the forms an admirable summary of the law and practice relative to the inclosure and regulation of commons by the Board of Agriculture, and has given 27 precedents covering all the steps of such procedure, followed by five precedents of "private arrangements relating to commons."

The treatment of the important head of Companies is singularly comprehensive. The subject is divided into (1) Companies Registered under the Companies Acts, and (2) Companies Incorporated by Royal Charter or special Act of Parliament; the subject of Cost Book Companies being reserved for the volume relating to mines and

minerals. Under the first head we have a wealth of precedents of agreements, memoranda and articles of association. There are nearly 90 "object clauses," and 13 "capital clauses," and the forms of articles also contain a great variety of miscellaneous clauses. There follow forms as to underwriting, brokerage, prospectuses, application and allotment of shares, management, amalgamation, and reconstruction and voluntary winding up; so that in fact the company is supplied from its birth to its death with appropriate forms and precedents.

In volume 5 we have a similarly exhaustive collection of precedents relative to Debentures and Debenture Stock. There is also a useful little heading of "Confirmations," and then comes the subject of Copyholds, which is fully treated. Other heads are Copyright and Statutory Declarations, which latter section we think might with advantage have contained a larger variety of precedents. The part relative to Disentailing Assurances is, both as to the preliminary note and the precedents, very satisfactory, and "Easements" is also a useful section.

Volume 6, among many other heads, contains, under the head of Guarantees, a very complete collection by Mr. de Colyar of precedents; and under "Insurance" there are given forms of a great many varieties of policies.

We congratulate the editor and his colleagues on the satisfactory progress of their great undertaking.

Quarter Sessions.

THE JURISDICTION, PRACTICE, AND PROCEDURE OF THE QUARTER SESSIONS IN JUDICIAL MATTERS, CRIMINAL, CIVIL, AND APPELLATE. By THOMAS SIRRIL PRITCHARD, Barrister-at-Law. SECOND EDITION. By JOSEPH BRIDGES MATTHEWS and VICTOR GRAHAM MILWARD, Barristers-at-Law. Sweet & Maxwell (Limited); Stevens & Sons (Limited).

In the first half of the last century Dickinson's Guide to the Quarter Sessions and other Sessions of the Peace seems to have been a book very widely used. It was for many years under the editorship of Serjeant Talfourd. The last edition, however, being the sixth, appeared in 1845. Thirty years afterwards Mr. Pritchard published the first edition of his work, which was rather founded upon Dickinson's Guide than a new edition of a work which by 1875 was quite out of date. Another thirty years have now almost passed, during which time the law has gone through so many changes that Mr. Pritchard's book, in its turn, has become obsolete and practically useless. A second edition, however, is now offered to the profession by new editors, who are to be congratulated upon the result of what must have been somewhat arduous labours. The book is intended primarily to be a practice book for quarter sessions, not a treatise upon the law; and, therefore, two long chapters dealing with the general criminal law have been very wisely omitted from this edition. The part which deals with criminal procedure applies for the most part equally to trials at assizes, and all the matter can readily be obtained in other well-known books. More than half the book, however, is devoted to the appellate jurisdiction of quarter sessions, and this is by far the most valuable part. In this part, as is almost unavoidable, the law, as well as the practice, is treated somewhat fully, for example in the chapter on appeals against poor rates. The editors, however, very plainly warn their readers that they do not profess to deal with the law so fully as so make it safe for practitioners to dispense with books devoted to special subjects in difficult cases. The work has evidently been edited with much care and with considerable skill, and will be found of great use by everyone connected with courts of quarter sessions, whether they be clerks of the peace, counsel, solicitors, or others.

Torts.

THE LAW OF TORTS: A TREATISE ON THE PRINCIPLES OF OBLIGATIONS ARISING FROM CIVIL WRONGS IN THE COMMON LAW; TO WHICH IS ADDED THE DRAFT OF A CODE OF CIVIL WRONGS PREPARED FOR THE GOVERNMENT OF INDIA. By Sir FREDERICK POLLOCK, Bart., D.C.L., Barrister-at-Law. SEVENTH EDITION. Stevens & Sons (Limited).

The chief event in regard to the law of torts which has occurred since the previous edition of this work has been the decision of the House of Lords in *Quinn* v. *Leathem* (50 W. R. 139, [1901] A. C. 495), and the author appears to have found it no easy task to sum up the results of that case and of *Allen* v. *Flood* (46 W. R. 259, [1898] A C. 1). He suggests that it was not necessary in *Quinn* v. *Leathem* to put the idea of conspiracy so prominently forward, and the *dicta* on conspiracy there uttered are not easy to reconcile with the *Mogul case* (40 W. R. 337, [1892] A. C. 25). It is well known that these decisions leave the field open for future litigation, and the House of Lords will some day have to discuss the whole question over again. The section on obstruction to light now contains frequent references to *Colls* v. *Home and Colonial Stores* (1904 A. C. 179), which, as the author observes, will now be the leading case on the right to light; and in other respects the present edition has been revised.

A SELECTION OF CASES ILLUSTRATIVE OF THE ENGLISH LAW OF TORT. By COURTNEY STANHOPE KENNY, LL.D., Barrister-at-Law, Reader in English Law in the University of Cambridge. Cambridge University Press.

This is a book intended primarily for the use of students who have not ready access to a law library or to the ordinary series of reports. The subject of torts is one which, probably more than any other, depends upon judicial decisions, and which can only be learnt properly by going to the fountain head and reading some of the most important of those decisions. Many students, however, for want of opportunity, are unable to do this; and this want the author professes to supply. The collection contains about two hundred cases, arranged in subjects, so as to be read concurrently with Sir F. Pollock's book on the same subject. The cases have been selected with much knowledge and discrimination; and it may be said with confidence that any student who reads the book with ordinary care, and brings a fair amount of intelligence to bear upon what he reads, will have a very sound knowledge of the subject at the end of his reading. The author (or rather compiler) has made no attempt to rewrite the cases in his own words. They are for the most part taken *verbatim* from the Law Reports or from other well known series of reports. In House of Lords or Court of Appeal cases very often only one judgment is given, but care is taken to choose the most lucid and explanatory judgment. The longer cases are also usually abridged in other ways, but nothing is omitted which is really required in order to correctly follow the arguments and decisions. We can confidently recommend the selection to students.

Rating.

THE LAW AND PRACTICE OF RATING, BOTH WITHIN AND WITHOUT THE METROPOLIS. SECOND EDITION. By WALTER C. RYDE, Barrister-at-Law. Butterworth & Co.; Shaw & Sons.

No one is more competent to write a book on the subject of rating than Mr. Ryde, whose great experience, both in the theory and practice of rating, is so well known. A second edition of his work will be very welcome, for of all existing books on this difficult subject Mr. Ryde's has no superior. The book is well written, well arranged, clear, accurate, and thoroughly reliable. Since the first edition was published there have been some important decisions which are duly incorporated in this edition. The subject of the rating of machinery is in a very unsatisfactory state. The case of *Crockett* v. *Northampton Union* (18 T. L R 451) has been much commented upon, but has done little to clear up the confusion. The question is, how is machinery to be taken into account in rating the premises upon which the machinery is used? Shafting, boilers, &c., are fixed to the freehold; they belong as a rule to the owner of the freehold, and there is little difficulty in valuing them along with the freehold as part of it. The moveable machinery, however, or the machinery which is only fixed in order to be steadied for working, is of the nature of chattels. It is usually the property of the tenant, and can, where fixed, be easily separated from the freehold without injury. It is, therefore, very similar to the furniture in a furnished house, and yet, according to the decisions, such machinery may be taken into account as enhancing the value of the premises, although it cannot be rated or valued separately from the premises. Several times Bills have been introduced into Parliament with the object of defining what classes of machinery may be taken into account. So far as England is concerned, there has, up to now, been no result. Scotland, however, is more fortunate, for by 2 Ed. 7, c. 25, it is provided that the machinery to be taken into account shall not include machines which are only so fixed that they can be removed without necessitating the removal of any part of the building. The whole of this difficult subject is dealt with most exhaustively in this book, and it is to be hoped that the author's clear exposition of the present state of the law will do something to induce the powers that be to take steps to at least extend to England the provision made with regard to Scotland.

Criminal Law.

PRINCIPLES OF THE CRIMINAL LAW: A CONCISE EXPOSITION OF THE NATURE OF CRIME, THE VARIOUS OFFENCES PUNISHABLE BY THE ENGLISH LAW, THE LAW OF CRIMINAL PROCEDURE, AND THE LAW OF SUMMARY CONVICTIONS. WITH TABLE OF OFFENCES, THEIR PUNISHMENTS AND STATUTES; TABLE OF CASES, STATUTES, &c. By SEYMOUR F. HARRIS, B.C.L. FOURTH EDITION. By CHARLES L. ATTENBOROUGH, Barrister-at-Law. Stevens & Haynes.

This standard text-book of the criminal law is as good a book on

the subject as the ordinary student will find on the library shelves. In the hands of the present editor the work has been gradually improved through several successive editions and kept well up to date. Any student who fairly masters the book, and supplements it by reading some selection of leading cases (such as Warburton's), ought to be able to satisfy the examiners at any examination in which criminal law is one of the subjects. The book is very clearly and simply written. No previous legal knowledge is taken for granted, and everything is explained in such a manner that no student ought to have much difficulty in obtaining a grasp of the subject. A few alterations, due to the few important enactments and decisions of the last three years, alone distinguish the tenth edition of the work from the ninth.

The French Law of Evidence.

AN OUTLINE OF THE FRENCH LAW OF EVIDENCE. By OLIVER E. BODINGTON, Barrister-at-Law, Member of the United States Federal Bar, Licencie en Droit de l'Université de Paris. Stevens & Sons (Limited).

This is an extremely interesting little book, written by a lawyer whose several qualifications give him authority to compare the law of evidence of England and the United States with that of France. Probably very few English lawyers know anything at all about the French law of evidence, and we warn the majority, therefore, to be prepared for surprises if they propose to read this book. The first impression readers will get from the book is that there is no law of evidence in France. Certain it is that all the elaborate rules of English law, as to what is relevant and what is not relevant, have no parallel at all across the Channel. "Hearsay" is admissible; "opinion" is admissible; and, in fact, everything which in any degree bears upon the issue may be considered for what it is worth. At first this will appear to the English mind to be very dangerous; but when we grasp the fact that the evidence is presented, not to a jury, but to a bench of judges, experienced lawyers trained to weigh evidence, we see that the danger is much less than at first appeared. In civil cases there is no jury in France; and in criminal cases it is only the most serious crimes which come before a jury. In civil cases, too, witnesses are not heard in open court. Their evidence is given before a judge in chambers, who prepares a deposition. The witness tells a consecutive story; he is only questioned in order to clear up points to which he refers; and cross-examination, as we understand it, is unknown. When the trial of the action comes on, nothing is presented to the court but documents, depositions, and the arguments of counsel. One of the most striking features of the French system is the supreme importance of documentary evidence. In fact, few actions can be brought involving more than the sum of £6 without at least *primâ facie* proof in writing of the facts alleged. Except to an English lawyer who has to prepare evidence for a French trial, we can hardly say that the book will be directly and practically useful. A study of it, however, cannot fail to throw a new light on our own law, and to be instructive and interesting.

Trusts.

A PRACTICAL AND CONCISE MANUAL OF THE LAW RELATING TO PRIVATE TRUSTS AND TRUSTEES. By ARTHUR UNDERHILL, M.A., LL.D., Barrister-at-Law. SIXTH EDITION. Butterworth & Co.

While the greater part of the law of trusts may be regarded as well settled, recent cases have furnished important subjects of discussion, and the author of this useful treatise has found a good deal of new matter to incorporate in the present edition. The attitude of the courts towards precatory trusts, for instance, has undergone a marked alteration of late years, and those who wish to follow the change could not do better than study Mr. Underhill's account, at pp. 21, &c., of the reasons which originally induced the Court of Chancery to construe words of request as creating a trust, and of the line of modern cases, ending at present with *Re Hanbury* (51 W. R. 362; 1904, 1 Ch. 415), in which such words have been treated as imposing no binding obligation on the person to whom they are addressed. Another part of the book where recent developments are usefully discussed is the section which deals with the power of the court to authorize deviations from the strict directions of the trust instrument as expounded by the Court of Appeal in *Re New* (50 W. R. 17; 1901, 2 Ch. 534), and in the later case of *Re Tollemache* (51 W. R. 597; 1903, 1 Ch. 955); and interest attaches to the exposition of the modern law contained in section 3 of the Judicial Trustees Act, 1896, under which trustees may be relieved from the consequences of a breach of trust, and in section 8 of the Trustee Act, 1888, which allows to trustees the benefit of the Statute of Limitations. The cases which have been decided in these provisions are conveniently collected and stated. We may also refer to the statement at p. 154 of the present rules relating to the quantity of the estate taken by a trustee under a devise, a matter which frequently causes difficulty. The work may be confidently recommended alike to the practitioner and the student.

Light.

A DIGEST OF THE LAW RELATING TO THE EASEMENT OF LIGHT. WITH AN HISTORICAL INTRODUCTION, AND AN APPENDIX CONTAINING PRACTICAL HINTS FOR ARCHITECTS AND SURVEYORS, OBSERVATIONS ON THE RIGHT TO AIR, STATUTES, FORMS, AND PLANS. By EDWARD STANLEY ROSCOE, Barrister-at-Law, Admiralty Registrar of the Supreme Court. FOURTH EDITION (REVISED AND ENLARGED). Stevens & Sons (Limited); Reeves & Turner.

The subject of the easement of light has been brought into prominent notice recently by the decision of the House of Lords in *Colls* v. *Home and Colonial Stores* (1904, A. C. 179). The history of this easement is very interesting, and in the introduction Mr. Roscoe shews how the customs of London and York, and probably of other towns, which allowed of building to any height, were abruptly abolished by the Prescription Act, 1833, which threw over the right to light the special sanction of the law. The lengths to which this sanction was carried by judicial decision have been considerably modified by the judgment of the House of Lords in *Colls' case*, and now the dominant owner is only entitled to such an amount of light as is necessary for the comfortable use and enjoyment of the dominant tenement if a dwelling-house, and for its beneficial use and enjoyment if a place of business. Practitioners will find useful hints as to the conduct of "light" cases in the chapter on the Vindication of the Right, and the diagrams given in the appendix shew clearly to what extent a right to light is affected by the alterations of the windows through which it has been enjoyed.

Telegraphs and Telephones.

THE LAW RELATING TO THE TELEGRAPH, THE TELEPHONE, AND THE SUBMARINE CABLE. By EVELYN G. M. CARMICHAEL, M.A., Barrister-at-Law. Knight & Co.

This is the first complete work on this subject which has come before us, and although the subject comprises a very limited branch of the law, it is one of distinct and growing importance. The collection in one volume of the scattered legislation as to telegraphs and telephones (contained for the most part in "the Telegraph Acts" and "the Post Office Acts") is of itself useful. The necessity for laying or setting up wires for transmitting messages frequently gives rise to negotiations and agreements between local authorities and private persons on the one hand and government departments and companies on the other, as to the grant of easements, wayleaves, liberty to open up streets, and similar matters; and such transactions cannot be effectually carried out without an adequate knowledge of the law relating to the subject. That law is dispersed among numerous Acts of Parliament, and in the absence of a text-book, considerable research is required before it is mastered. There is, therefore, ample scope for a work of this character, ably carried out as it has been by Mr. Carmichael. The notes to the Acts are written with evident care; the judicial decisions are well up-to-date, and the index is full and well arranged. Some useful precedents are added, and an interesting feature is the setting out in appendices of the current agreements between the Postmaster-General and the National Telephone Co., which have so important a bearing on the future of the telephone service in London.

High Court Practice.

AN EPITOME OF THE PRACTICE OF THE CHANCERY AND KING'S BENCH DIVISIONS OF THE HIGH COURT OF JUSTICE. By the late WILLIAM ARCHBUTT POCOCK, Barrister-at-Law. SECOND EDITION. By his son, ARCHIBALD HENRY POCOCK, Barrister-at-Law. Effingham Wilson.

The practitioner who requires something more concise than the current "Practices" will do well to avail himself of this convenient guide to the procedure of the Chancery and King's Bench Divisions. Of course, any book on practice must confine itself largely to the quotation of the Rules of the Supreme Court, but it is possible for an author to render considerable service in pointing out their effect and also in giving practical directions as to the steps to be taken. Mr. Pocock has done this very well, for instance, in the chapter on Specially Indorsed Writs. The utility of the book is increased by references to the Annual Practice and to other standard works on practice. And it is a useful feature that notes are given throughout as to the papers required for the court in the various applications.

The Factory and Truck Acts.

THE FACTORY AND TRUCK ACTS. By the late ALEXANDER REDGRAVE, C.B., Her late Majesty's Chief Inspector of Factories. TENTH EDITION. By H. S. SCRIVENER and C. F. LLOYD, Barristers-at-Law. STATUTORY ORDERS, SPECIAL RULES, AND FORMS, Revised by W. PEACOCK, of the Home Office. Butterworth & Co.; Shaw & Sons.

The fact that this book has reached a tenth edition is sufficient proof that it is appreciated; and it is hardly too much to say that it has become almost indispensable to every person concerned in carrying out the provisions of the Factory Acts, whether he is employer, inspector, or lawyer. The book is in the main a carefully annotated edition of the Factory and Workshop Act, 1901, and of a few other Acts and parts of Acts bearing on its subject. Since the publication of the ninth edition there have been no legislative changes in the law except those contained in the Employment of Children Act, 1903. There have, however, been a sufficient number of judicial decisions to make a new edition welcome. All decisions reported up to July last seem to be noticed in their proper places, and with the accuracy and care that past editions have led us to expect. The book is a reliable guide to this important branch of the law.

Local Government.

MODEL BYE-LAWS AS TO NUISANCES AND NEW STREETS AND BUILDINGS. Prepared and Edited by WILLIAM MACKENZIE, M.A., Barrister-at-Law, and PERCY HANDFORD. Butterworth & Co.; Shaw & Sons.

This volume forms a supplement to the edition of Model Bye-Laws (by the same editors) published in 1899. Modern requirements, fresh legislation, and numerous decisions of the courts have led to the revision of the model bye-laws of the Local Government Board dealing with the above subjects. In this volume the editors have collected the revised bye-laws and have added notes (in which the relevant decisions are referred to) and suggested additional and alternative forms. The work has been carefully done, and it should prove distinctly useful to local authorities (borough and district councils) and their advisers.

Books Received.

Dixon's Law of the Farm: Including the Cases and Statutes Relating to the Subject, and the Agricultural Customs of England and Wales. Sixth Edition. By AUBREY JOHN SPENCER, M.A., Barrister-at-Law. Stevens & Sons (Limited).

A Compendium of the Law of Property in Land, and of Conveyancing Relating to Such Property. By WILLIAM DOUGLAS EDWARDS, LL.B., Barrister-at-Law. Fourth Edition. Stevens & Haynes.

The Student's Digest, containing the Questions Set at the Final (Pass) Examinations of the Law Society in Recent Years on all the Subjects, together with Answers Thereto, and Intended as a Revision Guide for Final Students. By ALBERT GIBSON, ARTHUR WELDON, and H. GIBSON RIVINGTON. Third Edition. The "Law Notes" Publishing Offices.

The Law of Compensation for Unexhausted Agricultural Improvements, as Amended by the Agricultural Holdings (England) Acts, 1883 to 1900, and the Allotments and Cottage Gardens Compensation for Crops Act, 1887; with the Statutes and Forms. Third Edition. By J. W. WILLIS BUND, Esq., M.A., LL.B., Barrister-at-Law, and HENRY STEPHEN, Esq., Barrister-at-Law. Butterworth & Co.; Shaw & Sons.

The Yearly Supreme Court Practice, 1905: being the Judicature Acts and Rules, 1873 to 1904, and other Statutes and Orders relating to the Practice of the Supreme Court, with the Appellate Practice of the House of Lords. With Practical Notes. By M. MUIR MACKENZIE, B.A., a Bencher of the Middle Temple, T. WILLES CHITTY, Barrister-at-Law, S. G. LUSHINGTON, M.A., B.C.L., Barrister-at-Law, and JOHN CHARLES FOX, a Master of the Chancery Division, assisted by P. M. FRANCKE and SYDNEY E WILLIAMS, LL.B., Barristers-at-Law. In One Vol. (Oxford Paper Edition). Butterworth & Co.

Waterlow Bros. and Layton's Legal Diary and Almanac for 1905, containing a list of Stamp Duties from 1804 to the Present Time, with Regulations as to Stamping and Allowance for Spoiled Stamps; a Diary for Every Day in the Year; Suggestions on Registering and Filing Deeds and Papers at Public Offices; Table of Succession to Real and Personal Property, Papers on the Preparation of Legacy and Succession Accounts, and Notes as to Preliminary, Intermediate, and Final Examination of Articled Clerks; a List of Law Reports, with their Abbreviations and Dates; an Index to the Public General Statutes from Time of Henry III.; a Digest of the Public General Acts of Last Session; List of London and Provincial Barristers and London and Country Solicitors, Irish and Scotch Solicitors, with Appointments, Agents, &c. Waterlow Bros. & Layton (Limited).

The Mining Laws of Spain. Translated for the Mining Journal. By J. A. JONES, Member of the Institution of Mining and Metallurgy, &c. The Mining Journal Offices. 7s. 6d. net.

Egyptian Mining Law. By CHARLES J. ALFORD, F.G.C., M.I.M.M. Reprinted from the Mining Journal. The Mining Journal.

The Lawyer's Remembrancer and Pocket-book for the Year 1905. By ARTHUR POWELL, K.C. Butterworth & Co.

The English Reports. Volume XLV.: Chancery XXV., containing De Gex & Jones, Vol. 4; De Gex, Fisher, & Jones, Vols. 1 to 4. William Green & Sons, Edinburgh; Stevens & Sons (Limited).

Correspondence.

Land Transfer.

[*To the Editor of the Solicitors' Journal.*]

Sir,—I have read with the greatest interest, as many members of the profession must have done, the papers and discussion on Land Transfer at the Portsmouth meeting of the Law Society and the remarks of the president of the society on the same subject.

May I express a hope that our treatment of the matter will not end with discussion, but that definite and energetic action by the profession as a whole will be undertaken forthwith?

The time is ripe for action. I say this for three reasons:

(1) We may take it that an inquiry into the working of the Act is now definitely refused, and that if we are to obtain it we shall have to get it by something like force.

(2) We are threatened in one of the leading ministerial London newspapers with the extension of the system to the whole country in the next session.

(3) A dissolution of Parliament cannot be long postponed.

I respectfully submit that it is not enough to say, as the president of the Law Society said at Portsmouth, that "no doubt the Council would strenuously oppose such extension" (to the provinces). We ought not merely to oppose it. We have had a sufficient hint and we ought to be beforehand and prevent, if we can, such a proposal being even made. We ought to shew that we are united and in earnest. And we ought to get to work at once. Preparations for the General Election are going on. Candidates are being chosen and appeals for party funds are being made. We have waited patiently for a fair and straighforward treatment of this question, but in vain. Now the time has come for us to make our voice heard.

The question concerns primarily the property owners, large and small. But it concerns the whole country to stay the growth of costly officialism, and especially it concerns us solicitors, who are blamed for the present system and will be just as much blamed for the new if we let it be established without making its faults clear to the public.

The opposition to it seems to be left entirely to us. Who will give us a lead? I hope the Law Society will, and that without delay.

ARTHUR T. PERKINS.

4, South-parade, Leeds, Oct. 31.

Avoiding the Land Registry.

[*To the Editor of the Solicitors' Journal.*]

Sir,—I have just concluded for a client (whom we will call A.) a transaction of purchase and simultaneous mortgage in the County of London in which we have troubled, and mean to trouble, the Land Registry as little as possible.

The subject-matter was a piece of land for building leases, the idea being that A. should become the purchaser of the ground-rents, and should, in part, finance the matter.

The plan adopted was to take the conveyance of the land direct to A., who, of course, was also made the registered proprietor; a contemporaneous mortgage between the builder and A. was executed, which dealt with the builder's equity, but no mention was made of it on the register; all the leases were granted by A. alone, and all the houses being built, and the ground-rents created, the transaction has been closed by a deed of mutual release between the builder and A. indorsed on the mortgage. So A. has his title clear under the conveyance, and registration and the mortgage practically drop out of the title.

In this way A. (who, as a landowner outside as well as inside the County of London, hates the Land Registry and all its ways) has

had to go to the Land Registry only once over the transaction. More, he has acquired the ground-rents as a provision for his granddaughter (who is under age), and he is going to settle them to her parents in trust for her until she is eighteen years old, then to her (restricted from alienation) for life, remainder to such uses as she may appoint, and, in default of appointment, to her heirs. But this, as I advise A., cannot be done in that simple way by recourse to the Land Registry, and that is quite as A. desires; and so it will be done by an ordinary deed which will not find its way to the Registry. A., during his life, will stand upon his registered proprietorship to protect his own settlement, and he is quite willing to leave it to the future to say what will happen to that registered proprietorship when he departs this life. X.

Nov. 1.

Covenant in Lease Against Carrying on Trade.

[*To the Editor of the Solicitors' Journal.*]

Sir,—One sometimes comes across leases where the lessee covenants not to carry on any noisy, noxious, or offensive trade or business, but to use the premises as a private dwelling-house only.

Does this prohibit business of every description? Such a construction would seem to give no effect to the words "noisy, noxious, or offensive." On the other hand, the words "as a private dwelling-house only" are hard to get over. W. H. W.

[We do not know of any reported case on the point, but we imagine that effect would be given to the latter part of the covenant. We shall be glad to know whether the point has ever been decided.—ED. *S.J.*]

Points to be Noted.

Equity and Conveyancing.

Lessor and Lessee.—Under a covenant in a lease expressed to be entered into by the lessee for himself, his heirs, executors, administrators, and assigns, the lessee or his assignee is not liable for acts in contravention of the covenant committed by an underlessee. If it is intended that the lessee or his assigns shall be liable for the acts of an under-tenant it would appear to be necessary that there should be a clear and absolute covenant that they will be so liable, or that the covenant should be made expressly to extend to the acts of the lessee and his under-tenants or his or their under-tenants and assigns.—WILSON *v.* TWAMLEY (52 W. R. 529, 1904, 2 K. B. 99), (C.A.).

Vendor and Purchaser.—With regard to the general rule laid down, subject to certain exceptions, in *Wheeldon* v. *Burrows* (12 Ch. D. 31) that, upon the grant by the owner of a tenement of part of that tenement, rights in the nature of easements intended to be reserved for the benefit of the part retained must be the subject of express reservation to be contained in the grant, it should be noted that a right in the nature of an easement will fall within the rule, notwithstanding that it may be reasonably necessary to the enjoyment of the part retained in the manner in which it has hitherto been enjoyed. In order to fall within the exception to the rule relating to "easements of necessity," so as to escape the requirement of express reservation, the right must be one without which the part retained cannot be enjoyed at all.—RAY *v.* HAZELDINE (1904, 2 Ch. 17).

Mortgagor and Mortgagee.—A mortgagee's power of sale is not exerciseable by an attorney under a general power of attorney authorizing him to sell any real or personal property belonging to his principal, though including a power to receive and give discharges for any money payable or belonging to him by virtue of any security.—RE DOWSON AND JENKINS' CONTRACT (1904, 2 Ch. 219) (C.A.).

Vendor and Purchaser.—The ruling of the Court of Appeal that expenses incurred by a local authority for paving or other works executed by them under the provisions of section 150 of the Public Health Act, 1875, first become "a charge on the premises in respect of which they were incurred" at the date of the completion of the works, materially affects the relative position of vendor and purchaser. The vendor who, apart from express stipulation to the contrary, impliedly contracts to sell free from incumbrances, is enabled to do so, notwithstanding that works of this description are in progress. No proportion of the expenses from time to time incurred by the local authority in respect of the works becomes an outgoing dischargeable by the vendor unless the works are fully completed before the expiration of the period during which the vendor is liable under the provisions of the contract for sale, express or implied, for the payment of outgoings.—RE ALLEN AND DRISCOLL'S CONTRACT (52 W. R. 680, 1904, 2 Ch. 226) (C.A.).

Conveyance Subject to Restrictive Covenants.—In a conveyance on sale of freehold property subject to restrictive covenants, for the observance of which the vendor has himself previously covenanted, it has been the practice to insert a covenant on the part of the purchaser as well to observe and perform such covenants as to indemnify the vendor in respect of them. The question was recently raised by a purchaser, who hoped subsequently to obtain a release of certain restrictive covenants from the original covenantee, whether the vendor was entitled to insist on the insertion of a covenant in accordance with the above-mentioned practice, which, be it observed, would in terms remain binding upon the purchaser notwithstanding that any such release as he then contemplated should afterwards be obtained by him, or whether a simple covenant of indemnity was all that could be required. It was held that the covenant should extend to the observance and performance of the existing covenants as well as to the indemnity of the vendor, but should be prefaced by the words "with the object and intention of affording to [the vendor] his heirs, executors, and administrators a full and sufficient indemnity in respect of [the restrictive covenants], but not further or otherwise." The practice of conveyancers with regard to the covenant to be entered into by an assignee of leaseholds remains unaltered.—RE POOLE AND CLARKE'S CONTRACT (1904, 2 Ch. 173) (C.A.).

Covenant for Indemnity in Assignment of Lease.—The object and effect of the covenant usually entered into by the assignee of a lease to observe and perform the covenants contained in the lease is merely to indemnify and protect the original lessee against breaches of covenant contained in the lease under which he holds. It is not to be regarded as a covenant enforceable upon breach of any of the covenants contained in the lease by injunction at the instance of the lessee. — HARRIS *v.* BOOTS' CASH CHEMISTS (SOUTHERN) (LIMITED) (1904, 2 Ch. 376, 52 W. R. 668).

Cases of the Week.

Court of Appeal.

MILLARD *v.* BALBY-WITH-HEXTHORPE URBAN DISTRICT COUNCIL.
No. 1. 28th Oct.

LOCAL GOVERNMENT—PAVING EXPENSES—LIABILITY OF OWNER OF PREMISES—CHANGE OF OWNERSHIP BEFORE DEMAND—PUBLIC HEALTH ACT, 1875 (38 & 39 VICT. c. 55), ss. 150, 257.

Appeal by the urban district council from a decision of the Divisional Court, who—though with some hesitation—had held, on the authority of *Reg.* v. *Swindon Local Board* (4 Q. B. D. 305), that expenses of private street works executed under section 150 of the Public Health Act, 1875, were not recoverable from Mr. Millard, who, although he was the owner of the premises in question when the work was completed, had ceased to be owner before the expenses were demanded. A complaint had been preferred by the urban district council against Mr. Millard claiming payment from him of £45 11s. 7d. and interest in respect of expenses incurred by them in executing private street works to a street called Carr-hill under section 150 of the Act of 1875. The justices made an order directing payment, but stated a case for the opinion of the High Court. The Divisional Court having set aside the order, the district council appealed. The facts so far as material were that on the 8th of June, 1899, the appellants served upon all the owners (including the respondent) of premises fronting, adjoining or abutting on such parts of the street called Carr-hill as required to be sewered, levelled, &c., notices in the form prescribed by the Public Health Act, 1875. The notices were not complied with and the local authority then did the work, which was completed on the 4th of December, 1901. On the 25th of April, 1902, the respondent Millard sold his premises in Carr-hill to a brewery company. On the 18th of November, 1902, formal notice of the apportionment was given, and on the 20th of May, 1903, a formal demand was made. It was contended for the appellants that the words in section 257 expressly made the expenses recoverable summarily from the person who was the owner of the premises when the works were completed, and that the opinion expressed by Cockburn, C.J., in *Reg.* v. *Swindon Local Board* (4 Q. B. D. 305) was merely *obiter*. The charge on the premises existed as from the completion of the works, although it was not enforceable until after the apportionment. The respondent being owner of the premises then continued liable, although he parted with the property before demand was made. For the respondent it was submitted that the decision of the Divisional Court was right, because in order to make an owner personally liable for expenses under section 150 and 257 of the Act of 1875 he must be owner both when the works were completed and when the demand was made. Although in that view of the Act no one would be personally liable where there was a change of ownership between the two dates, the charge remained, and the expenses being thrown on the premises the owner thereof at the date of the demand would be liable. *Reg.* v. *Swindon Local Board* was an authority for that proposition. It was decided in 1879 and had never been questioned. To disregard that decision would work hardship, as sales of property had taken place upon the faith of it.

COLLINS, M.R., in giving judgment, said that the Act of 1875 clearly intended that the person on whom the notice to do the work had been served, and who owned or occupied the premises at the time that the work was being done, should be liable to pay his apportioned cost of the work. It might very well turn out that he had a right to be indemnified by the person to whom he sold the premises in the interval between the

date that the work was finished and the date that the apportionment was made and the sum found due in respect of the premises demanded. That question was not before the court on this occasion. He thought that the case of *Reg.* v. *Swindon Local Board*, which influenced the Divisional Court reluctantly to decide in Mr. Millard's favour, could be distinguished. Whether that was so or not it did not bind this court, and although, had they approved of the principle laid down they might have followed it, they did not think that the *dictum* on the point now raised for decision, and which was not directly raised in the *Swindon case*, was one which should be followed. The appeal would therefore be allowed and the order of the justices restored.

STIRLING and MATHEW, L JJ., concurred. Appeal allowed.—COUNSEL, *Macmorran*, K.C., and *Scholefield*; *Israel Davis*. SOLICITORS, *Speechly, Mumford, & Craig*; *Halse, Trustram, & Co.*, for *A. Muir Wilson*, Sheffield.

[Reported by ERSKINE REID, Esq., Barrister-at-Law.]

High Court—Chancery Division.

Re **NEWLAND (DECEASED). BUSH** *v.* **SUMMERS.** Kekewich, J. 26th Oct.

PRACTICE—ORIGINATING SUMMONS—JURISDICTION TO TRY BREACH OF TRUST—R.S.C. LV. 3 (c).

Summons to vary. In this action, commenced by originating summons, and asking (in effect) for administration of the estate of the testator, Bingham Newland (deceased), an order was made on the 4th of August, 1902, for "an account of the capital of the testator's personal estate (not specifically bequeathed) and of the proceeds or sale of his real estate received by the defendants Powell and Newland (deceased) or either of them." The defendant Powell was and the defendant Powell and Newland had been the executors and trustees of the will of the testator, which contained a power of investment of his residuary estate upon real or leasehold or copyhold securities. The said defendants had in the year 1877 invested £500, part of the trust estate, upon a transfer of a mortgage of freeholds. In fact such transfer was of a second mortgage, and the defendants did not in consequence obtain the legal estate. The security, according to the evidence, appeared ample at the time of the investment, and the tenant for life had always acquiesced in it, but the property had depreciated and the first mortgagees realized their mortgage in such manner as that in the result the second mortgage could not be satisfied. In taking the account directed as above the master disallowed the whole of the item of £500. This summons asked for variation of the certificate which had been made by the master on the 20th of June, 1904, upon the footing of such disallowance, by (in effect) restoring the item so disallowed. For the summons it was urged that the master's action in fact proceeded as upon wilful default by the defendant trustees and found them liable for breach of trust and that there was no jurisdiction to try questions involving a breach of trust upon originating summons or the common account directed by a decree made thereon; it was further sought to be contended that a second mortgage is not of itself necessarily or by any positive rule of law a breach of trust for trustees, and moreover that a power to invest in copyhold securities implies power to take merely a conditional surrender without admittance, and thus condones liability for not acquiring a legal estate upon mortgage investments generally.

KEKEWICH, J., held, upon the express authority of *Re Stuart* (74 L. T. 546; not elsewhere reported), with which case his lordship expressed his concurrence, that there was jurisdiction to disallow the item as upon a common account directed upon originating summons, and that the summons to vary must be dismissed. His lordship negatived the suggestion that a second mortgage is not of itself a breach of trust for trustees not expressly empowered to take such a security.—COUNSEL, *Stewart Smith*, K.C. and *Gatey*; *P. O. Lawrence*, K.C., and *Peterson*; *Mossop*. SOLICITORS, *King, Wigg, & Co.*; *Clayton, Son, & Fargus*; *F. Bernard Smith*, for *Carter Mitchell*, Bedford.

[Reported by ALAN C. NESBITT, Esq., Barrister-at-Law.]

HOWARD *v.* **THE PRESS PRINTERS CO.** Farwell, J. 31st Oct.

PRACTICE—INJUNCTION—UNDERTAKING BY DEFENDANT IN LIEU OF INJUNCTION—CROSS-UNDERTAKING AS TO DAMAGES.

Motion to vary minutes of order. The plaintiffs, after accepting an undertaking by the defendants not to do certain acts complained of until the trial of the action in lieu of an injunction, sought to vary the minutes of the order, made on the motion for an injunction, by having omitted therefrom a cross-undertaking as to damages on the part of the plaintiffs. The order had been drawn up and settled by the registrar in accordance with the invariable practice that where a party gives an undertaking which is equivalent to an injunction he is just as much entitled to have a cross undertaking as to damages as he would be if an order for an injunction had been made.

FARWELL, J., in refusing the motion, said that the costs would be the defendants in any event, that the cross-undertaking must go in the order, and refused leave to appeal.—COUNSEL, *Butcher*, K.C., and *R. J. Parker*; *Upjohn*, K.C., and *F. Whinney*. SOLICITORS, *Bircham & Co.*; *Mayo, Elder, & Co.*

[Reported by HENRY STEPHEN, Esq., Barrister-at-Law.]

High Court—King's Bench Division.

HYMAS *v.* **OGDEN.** Div. Court. 1st Nov.

COUNTY COURT—JURISDICTION—WARRANT OF DELIVERY—COMMITTAL FOR DISOBEDIENCE—JUDICATURE ACT, 1873, s. 89.

Appeal by the defendant from the judgment of his Honour Judge Allen sitting at the Mansfield County Court. The plaintiff in his action alleged that the defendant had detained a certain running dog named "Floss," the property of the plaintiff, and claimed the return of the dog or £40, its value, and £10 for its detention. On the 16th of May judgment was given for the plaintiff, and was drawn up in the following form: "Upon the trial of this action at this court, holden this day, it is adjudged that the plaintiff do recover against the defendant the following goods and chattels of the plaintiff wrongfully detained by the defendant—that is to say, the plaintiff's running dog 'Floss' and also costs. And it is ordered that the defendant do return the said dog to the plaintiff within seven days from that date, and that in default of his so doing a warrant of delivery do issue." The defendant failed to deliver up the dog within seven days, and a warrant of delivery in the usual form was issued, requiring the bailiff to seize the dog and deliver it up to the plaintiff, and if the dog could not be found within the district of the court, then it required and ordered the bailiff "to distrain all the lands and chattels of the defendant, wheresoever they may be found within the district of this court, and them hold until the defendant shall deliver the said goods to you, and to make return of what you have done under this warrant immediately upon the execution thereof." On the 26th of May the order was served on the defendant, who failed to deliver up the dog as required, but the bailiff did not distrain the defendants' goods. On the 6th of June an application was made to the judge to commit the defendant for refusing to obey the order of the court to deliver up the dog. The plaintiff, however, was not able to satisfy the judge that the defendant had the means of obeying the order and had failed to do so, and the application was therefore refused. Subsequently the defendant was ordered to attend the court on the 11th of July for examination, and to shew cause why he should not be committed for failing to obey the order of the court. On the 11th of July the plaintiff brought forward evidence to shew that the appellant had been in a position to obey the order, but had wilfully disobeyed the order, and had taken steps to prevent the plaintiff from recovering his dog. The judge thereupon made an order of commitment against the defendant. From this order the defendant now appealed on the ground that the judge had no jurisdiction in the circumstances to make the committal order, and that the plaintiff could only enforce his judgment by a warrant of delivery in accordance with the terms of the order of the 16th of May, and that as the warrant of delivery provided that in the event of the order being disobeyed the bailiff should distrain the defendant's lands and goods, the plaintiff was not entitled to apply for an order for commitment until he had sought to enforce his judgment by the means provided by the warrant.

THE COURT (Lord ALVERSTONE, C.J., and KENNEDY and RIDLEY, JJ.) dismissed the appeal.

Lord ALVERSTONE, C.J., in giving judgment, said this was a case of considerable difficulty, although it seemed clear to him that, under section 89 of the Judicature Act, 1873, a county court judge had the same powers to commit, subject to the rules made for the county court, in such a case as this, as a judge of the High Court: see *Martin* v. *Bannister* (28 W. R. 143, 4 Q. B. D. 491). The difficulty in the case arose in the question as to whether the methods of enforcing the judgment provided by the warrant of delivery not having been exhausted, the county court judge had power to commit the defendant as for neglecting to obey the judgment. It would be a strong thing to say that the fact that an order having been made by the court requiring the bailiff to distrain would tie the hands of the court so as to prevent it from enforcing its judgment in any other manner. The judge appeared to be satisfied that the defendant had wilfully refused to obey the original order of the court, and he (Lord Alverstone, C.J.) was not prepared to hold that the judge had not power to make the committal merely because the warrant of delivery empowered the bailiff to distrain, or to limit the powers of the court merely because there was another remedy for the enforcement of its order.

KENNEDY and RIDLEY, JJ., delivered judgments to the same effect. Appeal dismissed, with leave to appeal.—COUNSEL, *Israel Davis*; *Etherington Smith*. SOLICITORS, *Halse, Trustram, & Co.*, for *A. Muir Wilson*, Sheffield; *Stevens, Son, & Co.*, for *Jones & Middleton*, Chesterfield.

[Reported by E. G. STILLWELL, Esq., Barrister-at-Law.]

BEETHAM AND FRASER *v.* **TANSWELL.** Div. Court. 27th Oct.

RESTRAINT OF TRADE—COVENANT "NOT TO ENTER INTO ANY BUSINESS ARRANGEMENT OR COMPETE WITH THE TRADE CARRIED ON" AT THE PLAINTIFF'S ESTABLISHMENTS—VALIDITY.

Appeal by the plaintiff against a judgment of the judge of the Chertsey County Court. The plaintiff was a tailor at Weybridge and the defendant had been in his service as a cutter under an agreement in writing which contained a covenant that if the service was ended the defendant would not enter into any business arrangement or competition with or that would in any way interfere with the business carried on by the said plaintiff at his establishments in Weybridge, or the City of London, or at any of his addresses in the future. The defendant left the plantiff and set up in business as a tailor for himself at Weybridge, and the action was brought. The county court judge held that the covenant in restraint of trade was wider than necessary to protect the plaintiff, and therefore bad. For the appellant it was argued on appeal that the words "any business arrangement" were synonymous with "trade" and did not cover any action which might in any conceivable circumstances interfere with the plaintiff's business. It had a defined limitation just as the word "competition" had: see *Marshalls (Limited)* v. *Leek* (17 Times L. R. 26). It was not contended that the part of the covenant relating to future addresses could be enforced, but that did not render the covenant not binding with regard to trading at Weybridge or in the City of London. Without hearing counsel for the respondent,

THE COURT (Lord ALVERSTONE, C.J., and KENNEDY and RIDLEY, JJ.) held, dismissing the appeal, that the covenant was too wide both as to time and space, and too vague.—COUNSEL, *T. E. Haydon; F. Mellor.* SOLICITORS, *J. O. Gosling*, Weybridge; *Scatliff & Hunt.*

[Reported by ERSKINE REID, Esq., Barrister-at-Law.]

HIPPESLEY *v.* KNEE BROS. Div Court. Oct. 27th.

PRINCIPAL AND AGENT—AUCTIONEER—MINIMUM COMMISSION ON SALE AND OUT-OF-POCKET EXPENSES—ADVERTISING AND PRINTERS' BILLS CHARGED IN FULL—LIABILITY TO DISCLOSE TRADE DISCOUNTS.

Appeal by the plaintiff against a decision of the county court judge at Bristol. The action was brought by a solicitor against the defendants, a firm of auctioneers, who, under an agreement, had sold a portion of the plaintiff's collection of bric-a-brac and pictures at auction, their commission being arranged at 5 per cent. with a minimum of £20, the defendants were also to be paid all out-of-pocket expenses, including advertisements, posting bills, and printing catalogues. The plaintiff was dissatisfied with the result of the sale, and he contended that a rebate or discount of 10 per cent. on the advertising account amounting of £1 8s. 9d. and a similar discount off the printer's bill amounting to £1 6s. 10d. allowed the defendants should have appeared in his bill, whereas they had charged him the full amount without mentioning the rebate they had received. He submitted that these discounts being in the nature of secret commissions, he was not only entitled to recover them, but was also entitled to the return of the £20 commission which the defendants had received. The county court judge held that, it being the duty of the defendants to get the necessary printing done, they employed the printer as sub-contractor to deal with them and not with the plaintiff. The printer gave the defendants a trade discount which the plaintiff could not have claimed. Several auctioneers were called to give evidence as to the custom of receiving these trade discounts, and on their evidence the judge held that the *bona fides* of the defendants had been established. In his opinion the defendants received no secret commission from anybody, and the plaintiff was not damnified. He entered judgment for the defendants accordingly. The plaintiff appealed.

Lord ALVERSTONE, C.J., in giving judgment, said the terms of the employment of the defendants were in writing, and therefore, although the question of custom was very material in connection with the suggestion of *mala fides* and what had been spoken of during the argument as the actual or implied knowledge of the principle of the discounts, the really important question was to ascertain what the rights of the defendants were under the contract itself. They were to receive 5 per cent. on all lots sold, all out-of-pocket expenses, including advertisements and printing, and the minimum commission for personal services was fixed at £20. It was not, therefore, a case in which the auctioneers took any risks of the sale, and they got the benefit of the minimum commission. It was in accordance with every legal principle that if an agent could get advertising done not for £14 6s. 4d. but for £1 8s. 7d. less, he was bound in honesty to account to his principal for the £1 8s. 7d. when calculating the "out-of-pocket" expenses he had been put to. The sums of £1 8s. 7d. and £1 6s. 10d. must therefore be dealt with quite apart from the broader question raised by the claim for the return of the £20, and in his judgment the defendants ought to have accounted for them. On the broader question whether the plaintiff was entitled to recover the £20 commission which the defendants had deducted from the gross proceeds of the sale, there were numerous cases in which it had been held that a dishonest agent could not recover. It was said that the defendants by not having accounted for the two "discounts" had placed themselves in the position of agents who received a secret commission and were not entitled to receive any remuneration for their services at all: *Andrews* v. *Ramsey & Co.* (1903, 2 K. B. 635). He could not accept that contention as he was satisfied here that there was no fraud at all. With regard to the claim of £20, therefore, the plaintiff was not entitled to succeed; but as to the two items of £1 8s. 7d. and £1 6s. 10d. he was entitled to have the appeal allowed, and allowed with costs. No doubt the defendants acted under the belief that they were entitled to these sums, for he knew that a view of that kind did prevail in commercial circles. There was great laxity about these "secret commissions," but in his opinion the sooner they were not approved of by honourable men the better it would be for the trade and the commerce of the country.

KENNEDY, J., in concurring, pointed out that where the duties of an agent were separable, as they were in the present case, it did not follow that an agent by the unfaithful performance of one duty forfeited his right to the whole of the remuneration which he had earned.

RIDLEY, J., agreed. The appeal was accordingly allowed, with costs as to the two sums of £1 8s. 7d. and £1 6s. 10d.—COUNSEL, *Clavell Salter* K.C., and *Soper; Duke*, K.C., *Thornton Lawes*, and *Walter Lloyd.* SOLICITORS, *Rowcliffes, Rawles, & Co.* for *Page & Thompson*, Bristol; *Gascott, Wadham, & Daw* for *Burges & Sloan*, Bristol.

[Reported by ERSKINE REID, Esq., Barrister-at-Law.]

Solicitors' Cases.

Solicitors Ordered to be Struck Off the Rolls.

Oct. 31.—WILLIAM AUGUSTUS CHARLES, East Retford.
Oct. 31.—PERCY HIGNETT, Oxford-chambers, Colwyn Bay, Denbighshire.
Oct. 31.—FREDERICK HURFORD JONES.
Oct. 31.—JAMES WELLINGTON, the younger,
Oct. 31.—CECIL ALGERNON LUMLEY.
Oct. 31.—GEORGE MARSHALL,

Solicitors Ordered to be Suspended.

Oct. 31.—HENRY HEYWOOD WADDINGTON, Oldham, Lancashire, suspended for two years.
Oct. 31.—GEORGE WATSON, 32, Glasshouse-street, London, W., suspended for two years.
Nov. 1.—CHARLES CRACROFT RICE, 53, Radnor-street, Chelsea, suspended for six months.

Law Societies.

Incorporated Leeds Law Society.

The annual general meeting of this society was held at the Law Institute, Leeds, on Friday, the 28th of October, 1904, the president (Mr. A. T. Perkins) in the chair. After formal business the president moved the adoption of the report and spoke as to the situation with reference to the County Courts Act, 1903, and also on a matter of considerable local interest, the course taken by the committee with reference to the Leeds Consolidation Bill of the last session. He also referred at some length to the position of the land transfer question and the necessity for action in the matter on the part of the profession. Mr. T. S. Simpson seconded the motion. Messrs. A. W. Willey, T. Chapman, and J. Harrison took part in the discussion, after which the motion was carried unanimously.

The honorary treasurer (Mr. J. Harrison) moved, and the president seconded, the adoption of the accounts, and after some discussion on the grant of £50 per annum made by the committee to the Yorkshire Board of Legal Studies the accounts were adopted.

Messrs. A. T. Perkins, W. Warren, A. L. Booth, and T. S. Simpson were elected members of the committee for the next three years, and Mr. A. W. Willey was elected for one year to fill a vacancy.

Messrs. J. Harrison and A. C. Peake were re-elected as honorary treasurer and honorary secretary respectively.

A discussion followed on the subject of the celebration of the centenary of the society, which will take place in January, 1905. It is arranged that a banquet shall be held to commemorate the occasion, and that distinguished guests shall be invited, and the arrangements are left in the hands of the committee.

A vote of thanks to the president concluded the meeting.

The following are extracts from the report of the committee:

Members.—Five new members have been elected during the year. The present number of members of the Society is 146, and of library subscribers under rules 3 and 4—nine. Of last year's members, three have resigned and one has died, and one has ceased to be a member in accordance with the rules.

Centenary of the Society.—The Society will complete the hundredth year of its existence on the 2nd of January, 1905. A general meeting was held on the 11th of July, 1904, at which it was unanimously decided to celebrate the event by a dinner an a day as near as possible to the anniversary. Your committee hope that all members will unite to make the celebration of such a noteworthy occasion a great success. The arrangements made will be notified to the members as early as possible.

Land Transfer.—This subject has received at different times the attention of your committee, and particularly with respect to the issue by the Lord Chancellor of new rules made by him in opposition to the advice of the majority of the committee appointed under the Land Transfer Act, 1897. The matter was thoroughly discussed at a general meeting of the Law Society held on the 22nd of April last. On behalf of the Council of the Law Society it was then admitted that the Lord Chancellor had overridden his committee in the manner above stated. A protest was made by the council, but it does not appear that the matter has been carried further. In articles which have appeared in the daily press during the last month, it is stated that the Government intend to introduce a Bill imposing on the country at large the system of land transfer under which the London landowners are at present suffering, and this without an inquiry being held and in disregard of the pledges on the faith of which the Act was passed. Your committee will carefully watch further developments, and trust the members will do their best in the meantime to educate all property owners as to the danger to their interests which any broader establishment of the system would involve.

County Courts Bill.—In their report of last year your committee referred to the passing of the County Courts Act, 1903, and stated that they awaited, with some anxiety, the new rules and regulations which would be necessary to carry it into effect. The anxiety of your committee is shewn to have been well founded. The Act of 1903 conferred jurisdiction up to £100 on all county courts, but authorized the making of an Order in Council to provide that actions involving claims of over £50 should be tried only in courts where "due provision has been made for carrying on the business of the court without interference with the ordinary jurisdiction of the court." It was to be expected that steps would be taken by the Government to provide the necessary increase of staff and accommodation to cope with the increased work which, under the extended jurisdiction, would fall upon all county courts, and particularly upon those in large towns. No such provision, however, was made, nor was any Order in Council made as contemplated by the Act of 1903. But in the last few weeks of the session a new County Courts Bill was introduced into the House of Lords by the Lord Chancellor, repealing entirely the Act of 1903, but re-enacting the extension of jurisdiction, while proposing that it should be exercised only at the principal courts. The courts falling within the category of principal courts were to be determined by a scheme for re-arrangement and re-distribution of county courts and districts to be made by the Lord

Chancellor, with the concurrence of the Treasury, and to be confirmed by Order in Council. No provision was made for the consultation of the egal profession as to the terms of any such scheme. The salaries of county court judges having extended jurisdiction were to be raised from £1,500 to £1,800. The jurisdiction of registrars was to be increased, and alterations of the law as to procedure on default summonses, the number of jurymen, and some other matters were proposed. Your committee took steps to obtain the opinions of many members of the Society practising in the county court with regard to the proposals of the Bill, and desire to express their thanks for the assistance given to them by those members. It became clear that on many points covered by the Bill the views of the profession were not unanimous, and it was also clear that the Bill could not, at so late a period in the session, receive proper consideration in Parliament. Your committee passed the following resolution and forwarded it to the Lord Chancellor, the Law Officers of the Crown, the local members of Parliament, and all other members of Parliament who are members of the legal profession: "That it is desirable that the Bill introduced by the Lord Chancellor should be withdrawn, and that a short Bill should be introduced and passed this session, postponing the operation of the County Courts Acts, 1903, till the 1st of January, 1906, and that in the meantime a general scheme of re-arrangement of the status, jurisdiction, and procedure of the inferior courts should be prepared, after consultation between the Lord Chancellor and representatives of the bar and of solicitors practising in London and in the provinces, and embodied in a Bill to be introduced next session. That it is impossible for adequate consideration to be given to the present Bill at this late period in the Parliamentary session." The Bill passed through the House of Lords, but made no progress in the House of Commons, and was dropped. The Act of 1903 accordingly remains on the statute book, while no preparation whatever has been made for coping with the increased business which must begin to choke the county courts when it comes into operation at the beginning of next year. The interests of the public and of the legal profession alike require courts of law to be cheap and speedy, and such as command confidence. It may be that this is to be sought in the establishment in the provinces of continuous or frequent sittings of the High Court, rather than in extension of the jurisdiction of the county courts. Opinions on this question are divided, but it is clear that to extend county court jurisdiction while making no provision for the despatch of business, can only bring the administration of justice into public contempt.

Corporation Enquiries.—The arrangement suggested in last year's annual report was discussed at the annual meeting of the society in October last, but did not meet with the approval of a majority of the members present The matter consequently remained open for further negotiation, and it naturally formed one of the points of discussion between your committee and the corporation in connection with the Consolidation Bill. The result is stated in a letter from the town clerk to the president as follows, dated the 17th of May, 1904: "The corporation will revert to its former practice of answering, without a saving clause, inquiries in reference to charges for private street or other expenses which are chargeable upon property, and will thereby assume whatever legal responsibility may attach to its reply, leaving the question of whether or not they are responsible for errors or inaccuracies quite open, and subject to the decision of the courts if the question should arise, and will establish a register of charges in a form to be agreed between yourself and myself, so as to enable the officers of the corporation to give the replies. It is not possible to keep a register of sanitary defects, and the practice as to replies relating to these will remain as at present." The formation and writing up of the register is a matter involving considerable labour, but your committee hope that this arrangement will come into operation at an early date.

Legal Education.—The period of five years for which the society agreed to subscribe annually the sum of £50 to the Yorkshire Board of Legal Studies has terminated, and your committee have agreed to subscribe the same sum for the current year. The work of the board is being continued in conjunction with the newly-chartered University of Leeds and is shewing satisfactory progress. Your committee are in sympathy with the objects of the board, and commend it to the profession as worthy of their generous financial support. During the session 1903-4 three students have passed final LL.B. examinations, five intermediate LL.B., five Law Society's final, and eight the intermediate; while only two candidates have failed to satisfy the examiners.

The Solicitors' Managing Clerks' Association.

On the occasion of the first Sessional Lecture by Dr. Montague Barlow on "The Law of Motors and Motor Traffic," Sir ALBERT ROLLIT, M.P., said that, having previously presided on a similar occasion, and having also dined with the society, he had more than realized that solicitors' managing clerks were not "persons of no importance." He had also read their annual report and their admirable lists of lectures, which had satisfied him that they must have been saturated, not to say surfeited, with knowledge of almost every branch of law, and that in the most practical manner and by the most practical men. The chairmen—among which he had the honour of being included—comprised many of the judges, and other great lawyers. The chief office of their society, which was to be educative, was thus carried out, and this was aided by their library, if not by their Bohemian concerts and banquets. Legal education, in which throughout life he had taken the greatest interest—indeed, he noticed that as soon as most people had finished their own education, they delighted to take an interest in the education of other people—was now very much in the air. He strongly approved of the proposed School of Law, the value of which he had seen practically illustrated in the United States, in Canada, and on the Continent, where the inductive system of teaching law was very much in vogue, and where the youngest law students boldly reversed the decisions of even such a Supreme Court as that of the United States. It was necessary both to teach and learn law, not only as what Plato called a practical art, but also as a science, without raising the question which was once put to Douglas Jerrold, "Whether law was a science or an art?" invoking the reply that of course it was an art—one of the black arts. Every lawyer must do his best by the study of law to remove such reproaches, and to end the charge that law and equity were two things which God had joined together and man had put asunder. At the moment, too, International Law, and especially the law of contraband, prize, and the like, was of the deepest interest; in fact, they lived in days when the choice was between law and war, and perhaps it was not too much to say that at this moment the chief security for peace with Russia was the position and presence in St. Petersburg of that great international jurist, Professor Dr. Martaens. But, whatever the prospects of the School of Law, a project which had many and long vicissitudes, the solicitors were not only watching closely the alternative destination of the Clifford's-inn Fund, if it were not appropriated to the School of Law, but the Council of the Law Society had put their own house in order by organizing systematic teaching by lectures and in classes, which had been marked by the utmost success, both in numbers and results. A deputation from their society had, during his own presidency, waited upon the Council, and he had given them the assurance that in all the above respects the claims and qualifications of solicitors' managing clerks, who in the practice of the law were supreme masters, should have every possible opportunity of acquiring a knowledge of the principles upon which that practice rested. In this new School of Law the Law Society had not only the advantage of the Principalship of Dr. Jenks, of Oxford, but also the co-operation of their lecturer that night, Dr. Barlow, who had a most distinguished law career at Cambridge, and who had rendered the best educational service to the London Chamber of Commerce, which had been doing a useful work in teaching commercial law and other quasi-legal subjects; and, just as articled clerks entered barristers' and solicitors' chambers, so, he thought, they might most advantageously undergo a course in commercial offices, rendering themselves familiar with business, and following the example of some of the most eminent advocates at present at the bar. The subject of Dr. Barlow's lecture was of the greatest practical interest, dealing as it did with the best means of preventing motorists killing themselves, and, what perhaps was of equal importance, killing other people. Dr. Barlow's criticism of the last Motor Act, in framing which he had taken some part in the House, touched him rather closely, but he must plead guilty, on behalf of the House of Commons, to the charge that their process of law-making was not beyond such criticism. Dr. Barlow had spoken of consolidation. The present system of law-making made consolidation, even codification, most necessary. It was very like the story of Jack and the Beanstalk. First the House passed an Act imposing a tax; then an Act to amend the Act imposing the tax; then an Act to add certain clauses to the Act amending the Act imposing the tax; then an Act to explain the Act adding certain clauses to the Act amending the Act imposing the tax, and so on for ever. The result was a sort of legislative marine store or a collection of barnacles on a ship's bottom. There was a Roman Emperor, Caligula he thought he was called, who hung his laws so high on the lampposts—if there were lampposts in those days—that the people could not read them, and then he executed them for their disobedience. But we were much more ingenious; we buried our laws so deep down in cases and text-books that not even a lawyer could sometimes get at them, and then we assumed that everybody knew the law and was bound to obey it, and if they didn't, then, even more cruel than Caligula, we punished them for the infraction. Dr. Barlow's subject was characteristic of what he had called this mechanical age; perhaps this mobile age, was even more appropriate, and it was a question which sometimes occurred to him whether that mobility would ever be decreased by telephones, wireless and others, through which they would not only talk to any person they wished, each carrying about with him his own telephone, but also see that person, and so remain anchored to their own desks without any travelling at all. Meantime, the rights and obligations of motorists were of material moment, both to themselves and to the public. There was one of our own Attachés in the United States, who seemed to think he could exercise his running-down powers with impunity. But he thought public opinion in this country hardly justified the attaché in either claiming the rights and impunities of an extraterritorial ambassador or in motoring to the common danger of the American public. It was all very well to throw the blame upon horses, but horses were notoriously stupid animals, which even a very big brain and great association with mankind had failed to render intelligent, and this fact of natural history had always to be taken into account. Lord George Sanger, of circus fame, had been mentioned by the lecturer, and this had recalled an incident in his own experience at once of equine sensitiveness and stupidity. He was driving into Windsor and very nearly had a spill long before he detected the cause of it, which was that, a long distance ahead, and out of sight, his horse had sniffed Lord George Sanger's Circus, and evidently desired to escape from the scent of dromedaries and elephants parading the high road and making themselves almost as dangerous as motor-cars. Well, they had heard the law from the lecturer, including the law of nuisance from noise, and dust, and petrol on the high road, and on the river; and, as a magistrate, he ventured to say that the benches, as a general rule, knew and applied the law fairly, with the assistance of that much abused profession, the police, to which a libellous equation had been applied in the mathematical formular, £ + s + d = PC^s. And, for the service he had rendered, he was quite sure that all felt

indebted to Dr. Barlow, who was not only an authority, but also an author, on the subject of his address.

United Law Society.

The annual general meeting of the above society was held on the 31st of October. The business was the election of officers as follows: Chairman, Mr. E. S. Cox-Sinclair; vice-chairman, Mr. A. H. Richardson; secretary, Mr. T. Ottaway; treasurer, Mr. J. Wylie; reporter, Mr. H. Dale Double; auditors, Messrs. Neville Tebbutt and G. D. Elliman; and committee, Messrs. J. F. W. Galbraith, P. Aylen, H. C. Bickmore, and W. S. Clayton Greene. Barristers, solicitors, and law students of both branches of the profession are eligible for membership of the society. Gentlemen desiring to be nominated are asked to communicate with the secretary, 21, Lime street, E.C.

Law Students' Journal.

The Law Society.

PRELIMINARY EXAMINATION.

The following candidates (whose names are in alphabetical order) were successful at the Preliminary Examination held on the 12th and 13th of October, 1904:

Anderson, Harold
Bain, George Hardy
Baker, Francis Horace
Booth, Charles Victor
Booth, Harold Gordon
Brooks, Edward Harold
Brown, William Frederick
Clayton, Edwin
Clifton, Percy James
Cobbett, John Christopher
Cooper, Percy
Copeman, John Young
Dobson, Henry Wheeler
Drabble, Henry Hardy
Eager, Percy George
Elsmore, William George
Evans, Ewart Richardson
Faber, Henry Grey
Fawkner, Tom
Garrett, Philip Leslie
Gaunt, Arthur
Gilmour, Charles William
Goodall, Tom
Gorton, Bertram Samuel
Green, Joseph George Airey
Gregory, Reginald
Hamilton, Archibald George Fuller
Hancock, John Arnold
Harris, Samuel George
Hatch, Norman
Hemming, George Benjamin
Highmore, Charles Bowyer
Hill, Eric Walter
Hockin, Charles Stirling
Holyoake, Arthur Valentine
Hopkins, Richard Egbert
Hough, William Edward
Huntsman, Harold
Jackson, Thomas Edgar
Jenkins, Llewellyn Maynard
Jones, John Lomas
Jones, Norman William
Kenworthy, Robert
Lamb, Gerald Gore Elmslie
Landon, Joseph Herbert Arthur
Lang, John Henry
Lewis, Edward Milton
Mann, Ambrose Arnold
Marchant, Owen Edward Lee
Matley, Luke
Munns, Leslie Cecil
Nicholls, Dudley
Niedermayer, Rudolph Alexander
Norris, John Percival Foxley
Peters, John Cecil
Pridham, Henry
Pybus, Hugh
Ridley, Frank
Roberson, Frank Hubert Langhorne
Robinson, Beltran Ford
Romer, Harold George
Scholes, William Thackeray
Scott, Charles Martin
Shaw, Hugh Wybergh
Simpson, George Colville
Smeathman, Lovel Francis
Smith, Wyndham Alexander
Spring, William
Stone, Francis le Strange
Suggit, Arthur Neville
Sykes, Bernal
Syrett, Alfred Montagu
Tabor, Harry Ernest
Trollope, Cecil
Voss, Gordon Phillips
Wade, John Seymour
Wakerley, William Edmund
Walmsley, Allan
Watkins, Hubert Holmes
Webber, Frederick Herbert Edwin
Williams, Ronald Gus
Willis, John Edwin
Wilson, Basil Cedric
Wilson, Joseph
Winnett, Gerald Harcourt
Wintle, Harold Carl
Woodhead, John William
Worsnup, James Percy

Council of Legal Education.

The following are the awards of the council upon the Michaelmas examinations, held in Gray's-inn Hall, on the 11th, 12th, 13th, and 14th of October. L.I. means Lincoln's-inn, I.T. Inner Temple, M.T. Middle Temple, and G.I. Gray's-inn:

ROMAN LAW.

Class I.—G. G. R. Brebner, M.T.

Class II.—W. L. Blease and A. J. Claxton, L.I.; H. R. P. Gamon, M.T.; D. V. Harvey and M. O'Carroll, G.I.

Class III.—Morounfolu Abayomi, M.T.; F. B. Adler, I.T.; Bashir Ahmad, L.I.; M. W. Ashby, I.T.; Syed M. Askeri, G.I.; W. F. Boger, M.T.; W. J. Bowker, L.I.; G. S. Browne, G.I.; E. H. H. Carlile, I.T.; R. F. Cheux, G.I.; J. J. Christian, I.T.; N. H. Clifford-Jones, L.I.; L. V. Cockell, G.I.; A. W. G. J. Connor, L.I.; W. B. Cowcher, J. W. de Silva, and Mian M. Din, G.I.; E. C. Doust-Smith and T. A. Drysdale, L.I.; S. M. Edwards, J. E. C. Flitch, F. B. Galer, F. J. C. Ganzoni, and G. E. Garrick, I.T.; G. V. Godfrey, L.I.; R. S. Graham, M.T.; L. W. Greenhalgh, L.I.; C. H. Harper, I.T.; G. B. Harris, G.I.; Mohammad A. Haye, W. C. Howe, and S. I. J. Hyam, M.T.; T. Jameson, E. G. Jellicoe, and F. C. J. C. Jenkin, G.I.; E. J. King, and Shujaooddeen E. Kurwa, L.I.; E. E. Matthews, G.I.; A. B. C. Merriman-Labor, Mahamed Moazzam-Ali, and Nai Tinn, L.I.; P. F. Nichols, G.I.; H. F. O. Norbury, I.T.; V. S. R. Pandit, L.I.; R. M. B. Parker, I.T.; A. Levy Picard, L.I.; Rajata N. Ray and J. G. Richey, M.T.; J. Royeppen and W. H. Salter, L.I.; F. C. Sanders, M.T.; San Shwe, G.I.; B. D. Sertsios, M.T.; C. H. Y. Slader, G.I.; J. L. Smith, M.T.; J. Spitteler, S. St. Albans-Harmer, and H. C. Swan, L.I.; W. H. Taylor, M.T.; D. P. Turner, H. A. A. van Someren, D. White, and J. E. White, L.I.; M. N. B. Wilson, M.T.; B. W. Worthington, I.T.

The number examined was 117, of whom 71 passed; six candidates were ordered not to be admitted for examination again until the Easter Examination, 1905.

CONSTITUTIONAL LAW AND LEGAL HISTORY.

Class I.—F. Buckley, G.I.; H. N. Dickinson, I.T.; F. J. Egerton-Warburton, L.I.; A. F. Engelbach, M.T.; T. N. P. Palmer, I.T.; J. T. Pratt, M.T.

Class II.—F. M. Baddeley, I.T.; Sailendra N. Banerjee, G.I.; H. H. Barne, I.T.; W. L. Blease, L.I.; C. E. Brackenbury, M.T.; B. S. Bramwell, L.I.; J. Chapman and W. L. F. Davies, I.T.; J. W. Ellis, G.I.; C. T. Flower, I.T.; W. F. Fox, L.I.; H. R. P. Gamon, M.T.; N. B. Goldie, I.T.; E. B. Guest, L.I.; G. B. Harris, G.I.; D. Jones, L.I.; P. A. C. Kelsey, M.T.; Mahomed I. Khan, I.T.; J. C. P. Kinsman, L.I.; W. D. Knocker, M.T.; H. G. MacKeurtan and R. G. McDonald, I.T.; J. R. Newton, L.I.; M. O'Carroll, G.I.; A. L. Picard, L.I.; H. L. Riley, G.I.; C. J. Weilbach, M.T.

Class III.—B. W. Adkin, M.T.; J. E. P. Allen, I.T.; Jnanendra C. Bagchi, G.I.; Jamshedjee F. Banajee, L.I.; H. C. Bartlett and Nani lal Basak, G.I.; Dwijendra N. Basu and F. N. J. Blundell, L.I.; W. F. L. Braidwood, M.T.; A. L. Bridge, L.I.; G. F. Bullock, M.T.; J. G. Burn and E. C. C. Byrne, I.T.; W. E. Cameron and M. H. Carter, M.T.; A. Cecil, I.T.; Jagmohan N. Chak, M.T.; A. Chapple, I.T.; R. L. M. Charlton, L.I.; W. S. Clark, I.T.; B. P. Cowley, M.T.; Bal K. Dass and O. J. H. Davis, G.I.; W. E. Demuth, I.T.; E. E. Dent, L.I.; J. S. W. de Soysa, I.T.; J. L. Devaux, L.I.; H. R. Ellis, I.T.; J. L. M. Franken, M.T.; H. E. Glaisyer and J. W. Godfrey, L.I.; P. H. Gray, G.I.; H. C. Harboard, G. L. Hardy and C. H. Harper, I.T.; S. Abid Hasan and S. Agha Hasan, M.T.; Mohamad H. A. Haveliwala and D. J. G. C. Heard, G.I.; Kwok Cung Hung, L.I.; J. W. R. Ilangakoon, I.T.; Sheikh M. Ismael, L.I.; E. G. Jellicoe, G.I.; J. B. Johnson, I.T.; C. W. Kendall, M.T.; D. Kingdon, I.T.; Parmeshwar Lall, M.T.; P. A. Lynch, G. C. M. Mander, A. J. Marais, and W. B. Martin, I.T.; H. D. McLaren, L.T.; T. A. F. McMillan-Scott, I.T.; J. B. Melville, M.T.; S. Melville, L.I.; J. T. Miles, I.T.; H. H. Morris, G.I.; E. F. W. Moseley and F. A. Moseley, M.T.; Nai Tinn, L.I.; M. Nickalls and H. F. O. Norbury, I.T.; W. B. Odgers and C. O'Doherty, M.T.; J. M. Ormond, I.T.; Vaman S. R. Pandit, L.I.; P. B. Petrides and G. W. Phillimore, M.T.; R. B. Plumer, L.I.; S. L. Porter, I.T.; E. M. Poynton, L.I.; P. G. Prevost and Kalle R. S. Rau, G.I.; Surendranath Ray, I.T.; J. G. Richey, A. Ridgway, and R. A. Robinson, M.T.; M. S. Saldanha, I.T.; F. C. Sanders, W. A. Savage, and Des R. Sawhny, M.T.; Sailendra K. Sen, G.I., W. C. Sharman, L.I.; F. Shaw, I.T.; F. D. Shelton, M.T.; N. H. Smith, I.T.; O. R. Strickland, M.T.; C. K. Tatham, I.T.; J. Topham, G.I.; Johannes G. V. van Soelen and O. R. Walker, M.T.; E. P. Walsh, G.I.; J. H. Watts, I.T.; O. T. Williams and Mohamad Yunus, M.T.

The prize of £50 for the best Examination in Constitutional Law and Legal History was awarded to Francis Buckley, Gray's-inn.

The number examined was 169, of whom 128 passed. Two candidates were ordered not to be admitted for examination again until the Easter examination, 1905.

EVIDENCE, PROCEDURE, AND CRIMINAL LAW.

Class I.—F. A. W. Lucas, M.T.; Moung May-Oung, L.I.; H. L. Riley, G.I.; J. S. Sainsbury, L.I.; Bomanji J. Wadia and A. H. Woolf, I.T.

Class II.—H. T. Blewett, G.I.; G. A. W. Booth, M.T.; E. Bruce, G.I.; J. S. Chartres, E. G. Clark, and Profula R. Das, M.T.; A. H. Droop, I.T.; W. F. Fox, T. W. S. Garraway, and E. A. S. Gray, L.I.; G. D. Hardinge-Tyler and J. Harley, I.T.; G. B. Harris and D. V. Harvey, G.I.; A. S. Hurst, S. I. J. Hyam, Changatharail G. Idichandy, and P. Macbeth, M.T.; H. C. Mortimer, I.T.; C. H. C. Noad, R. B. Plumer, and Narayan W. Pradham, L.I.; C. H. Y. Slader, G.I.; J. C. Spencer-Phillips, I.T.; G. J. Spreull, M.T.; J. Walton, I.T.; Guan S. Yeoh, G.I.

Class III.—F. B. Adler, J. G. Auret, and R. M. Banks, I.T.; G. Borwick and W. F. L. Braidwood, M.T.; C. E. M. Broadley, L.I.; H. E. Brown, M.T.; F. Buckley, G.I.; J. G. Burn, I.T.; A. H. Bygott, M.T.; Hon. E. C. Cadogan, Hon. E. R. Campbell, and A. Cecil, I.T.; J. T. N. Cole, M.T.; A. V. L. Davies, L.I.; T. I. de Bille and H. N. Dickinson, I.T.; A. W. Elkin, G.I.; V. M. Fernando, I.T.; H. R. P. Gamon, M.T.; R. C. W. Gilbert, I.T.; J. Hall-Dalwood, M.T.; Mohammad H. Hasan, H. A. Hay, F. Holland, and H. L. Hopkinson, I.T.; H. D. Huggins and W. R. Hughes, M.T.; E. G. Jellicoe, G.I.; P. A. C. Kelsey, M.T.; W. R. Levy, L.I.; A. H. Liddle, I.T.; St. J. Lucas, M.T.; P. A. Lynch, R. G. McDonald, and R. C. L. Montgomerie, I.T.; Sayed M. Naim, M.T.; F. A. Obeyesekere and T. N. P. Palmer, I.T.; G. Parker and P. A. Pellerin, L.I.; P. B. Petrides, M.T.; R. F. P. Philipson-Stow and S. L. Porter, I.T.; Kolachelam Ramachender, M.T.; W. H. Salter, L.I.; C. P. Scott, I.T.; Sailendra K. Sen, G.I.; C. K. Tatham, G. ten Bosch, H. J. Thomas, and J. G. O. Thomson, I.T.; C. Tompson, M.T.; A. S. Ward, L.I.; C. H. Wessels, I.T.; A. B. Whitfield, M.T.; H. Woodham, L.I.

The prizes of £50 for the best examination in evidence, procedure, and criminal law was awarded to Frank A. W. Lucas, Middle Temple. The

prize would have been awarded to Mr. Woolf, Inner Temple, had he not been disqualified by age.

The number examined was 125, of whom 90 passed. One candidate was ordered not to be admitted for examination again until the Easter examination, 1905.

FINAL.

Class I. (certificate of honour).—A. B. Keith, I.T.

Class II. (in order of merit).—A. Brand, G.L.; Mukund R. Jayakar and Ff. C. A. Barrett-Lennard, L.I.; T. W. Marshall and Mass T. Akbar, G.I.; F. R. Standfast, M.T.; C. H. C. Noad, L.I.; L. P. Ebden, I.T.; W. R. Bryett, L.I.; H. L. Riley, G.I.; W. Hedley, I.T.; R. G. Fitz-Gerald, L.I.; H. L. Hopkinson, L.T.; G. E. Schuster, L.I.; A. B. Whitfield, M.T.

Class III. (in alphabetical order).—G. Alexander, M.T.; J. G. Auret, C. E. Barry, and H. S. Bompas, I.T.; Pran K. Bose, M.T.; J. F. Butler-Hogan, G.I.; C. W. Carrington, L.I.; H. H. d'Egville, M.T.; J. L. Denison, L.I.; O. F. Dowson and A. T. E. Eggar, I.T.; F. L. C. Floud, L.I; J. H. W. Fulton and Mahim C. Ghosh, I.T.; J. R. M. Glencross, L.I.; W. G. W. Hastings and H. A. Hay, I.T.; E. G. Jellicoe, G.I.; N. Kendal and J. Kennaway, I.T.; Jan G. Keyter and J. P. Lalor, M.T.; G. Lawrence, I.T.; Syed A. Majeed and G. St. J. McDonald, G.I.; Kizhakepat P. M. Menon, M.T.; J. S. Mills, I.T.; Jatindranath Mitra, G.I.; Jyotish C. Mukerjea, Coravanda N. Muttannah, C. F. S. Oehme, and E. H. C. O'Flaherty, M.T.; G. H. R. Pauling, I.T.; A. Raphaely, M.T.; N. S. Reyntiens and B. E. Ross, I.T.; G. Royle and A. L. Screech, M.T.; Har K. Singh, L.I.; W. J. Spratling, Nowroji M. Sprachand, and E. J. A. Taylor, M.T.; H. J. Thomas, I.T.; L. C. Thomas and F. S. Toogood, M.T.; A. M. Van der Byl, I.T.; E. G. Walker, M.T.; T. W. Warrington, L.I.; E. E. G. Williams, I.T.

The number examined was 99, of whom 65 passed.

Law Students' Societies.

LAW STUDENTS' DEBATING SOCIETY.—Nov. 1.—Chairman, Mr. P. B. Henderson. The subject for debate was: "That the case of *Harse* v. *The Pearl Life Assurance Co.* (1904, 1 K. B. 558) was wrongly decided" (Want of Insurable Interest—Void Policy—Mistake of Law—Recovery of Premiums). Mr. S. S. Stoke Vaughan opened in the affirmative; Mr. E. B. Ames seconded in the affirmative; Mr. W. Valentine Ball opened in the negative, Mr. H. Hamilton Fox seconded in the negative. The following members also spoke: Messrs. J. Scott Duchess, Hooper, H. T. Thomas, H. C. Myers, H. C. Mitchell, J. R. Smith, F. A. Coe, S. B. Gottlieb, A. C. Dowding, F. H. Hole. The motion was lost by two votes.

Taxation of Land Values—The Case Against.

A paper on this subject by Mr. C. T. Rhodes, solicitor, Halifax, was taken as read at the recent Annual Provincial Meeting of the Law Society. The subject deserves the consideration of members of the legal profession, and we reproduce the substance of the paper. Mr. Rhodes said: It must be borne in mind at the outset that what I have to say is by way of opposition to what has been continually preached throughout the country, especially in the North, without anyone practically taking the trouble to reply. The late Radical M.P. for Halifax, one its chief supporters, recently said, "There is now nothing new to say in favour of the proposal, and the only thing to do is to keep 'pegging away' and say the same thing over and over again in order to get people to take an interest in the matter." He and his *confrères* have so "pegged away" during the past few years that when the subject was before Parliament on the 11th of March last they actually secured a majority of sixty-seven votes (!) approving the principle of their revolutionary ideas, although their Bill of 1903 was rejected by an even greater number. Was there ever a better example of what can be done by "pegging away" and perseverance in any subject? It now behoves all those who are in any way directly or indirectly interested in land, whether as investors, speculators, leaseholders, *conveyancers*, &c., to be up and doing, or they will assuredly hereafter have great cause to regret their past and present most inexplicable apathy and indifference. Fresh taxation is generally most popular among those who have not to bear it. It is admitted by its chief advocates that the proposed tax is only "the thin edge of the wedge" towards "land nationalization"—whatever that may mean. The subject is not by any means so simple, nor is the proposal to tax land values so just as the advocates of such taxation would have us believe. . . . The promised benefits of the proposed tax can easily be set out in an attractive form in a single page. The information necessary for a just appreciation of the difficulties of the problem can hardly be compressed into a whole book, and certainly not into the prescribed limits of this paper, although I have made what I fear is but a poor attempt to do so. The question of the justice or injustice of the proposal, and the difficulty of working out a scheme for taxation from the capital owners' point of view, as distinguished from the landowners', has puzzled almost every Parliament of recent times; and so the problem still remains unsolved, and must do so until some greater Solomon than Henry George shall arise who can shew us how to get something out of nothing without robbing our neighbours. In the meantime it is proposed by the land taxers that land shall be taxed, not according to the ability of the owner to pay, because this would involve taxing all the large capital owners and manufacturers, &c., but "according to the benefits received by the landowners only in the increased value of their land!" That is, the more a man's land is supposed to be improved by public expenditure for public purposes the more the landowner must be taxed, until the community gets hold of the whole of the land in the country by taxation without paying a penny compensation for the capital invested in it. It is one thing to enunciate and to criticize in the abstract the main grounds of theories, it is another thing to ask whether those theories would apply to a complex problem in the concrete. When all is said and done it is the practical point of view which is most important. . . . Ever since the time of Queen Elizabeth the subject of taxing landed property has periodically been brought to the front, mainly by those who, having no land of their own, wish to share with those who have. It is scarcely correct, therefore, to say, as some of its advocates are in the habit of saying, that "it is comparatively a new question." Even supposing it to be just to impose a special tax on land only, whilst exempting all other kinds of property, how could this be carried out? The enthusiastic taxers reply: "Why, nothing can be easier. There are ever so many ways of doing it; the only difficulty is to select the best one. For instance, return the land to the people from whom it was stolen, do away with landlords, abolish rents, divide the land among the people, let every man have his fair share or proportion of the land, and so let every man be his own landlord of his own plot. Let the nation buy the land, say some; let the nation 'take' it without payment, say others. If the King and Parliament had a right to give the land for nothing they have an equal right to take it back for nothing. Tax it to extinction—that is, tax it to its full value, 20s. in the £1, whether occupied or not, so that it will not be worth anything to any of the present so-called landowners, and they will soon give it up to the State. Let us raise all our taxes from it and have one 'single tax' only, and the nation will soon get it back again without buying it or paying anything for it. Only let us nationalize the land in some way or other so that the nation can have the benefit of all future improvements at any rate." Although the land nationalizers, land value and betterment taxers are all agreed in still further taxing the land, they are not altogether what may be described as a perfectly happy family. Some agree that all men ought to be taxed "according to their ability to pay"; others say (seeing the illogical position in which this principle at once places them), "Oh, no, that is not so; every one ought to pay 'according to benefits received'"; whilst others again exclaim that "equal sacrifice" is the true principle. . . . The whole question resolves itself, as it appears to me, into whether we are all to be taxed alike—*i.e.*, according to our ability to pay and upon income arising from capital, or upon our little bit of accumulated capital itself, if invested in land, irrespective of whether there is any income arising from it or not; or, in other words, shall only those persons be taxed who have had the misfortune or good luck, as the case may be, to invest their capital or hard-earned savings in what is known as real property, whilst those who have invested their accumulated wealth in personal property, such as Consols, stock-in-trade, mortgages, shipping, shares, furniture, wines, pictures, diamonds, jewellery, old china, &c., shall escape altogether? Or, to put it in another way, and to make myself perfectly clear, if I possibly can, the question at issue really is *the taxation of incomes derived from all kinds of property as against the taxation of capital invested in land only.* There may possibly be something to be said for a general recourse to the American system of taxing capital generally instead of income only from capital; but to adopt this method in the isolated case of vacant land in or about towns would, it seems to me, not only lead to much evasion, but would have injurious sanitary effects. It would, no doubt, operate as a penalty on all open spaces except those belonging to a public authority. Yet all sanitary authorities are agreed that the more open spaces there are in all our large towns the better it is and will be for the health of the community. . . . What are site values? Among the land value taxers themselves a ground-rent was originally the site value, and "site value" and "ground-rent" were synonymous terms; but of recent years a practice has grown up of, first of all, taxing the land as having a "site value" in anybody's hands, and then of creating upon that a "ground-rent," which can only arise in an individual's hands by the erection of an expensive building. The ground-rent then becomes not a site value proper, but a first charge upon (1) the land, and (2) a part of the premises; or, in other words, a site or land value plus a first charge upon the house, hence the present distinction between "land values" and "ground-rents." So that a site value is but a mythical, hypothetical sort of thing at its best. The taxers say the proposed tax is not an additional tax on land but on land values. As, however, we cannot have houses without land, I fail to see how it is possible to have land values without the same commodity. All the same, call it what they may, and distinguish it as they like, it means simply "tax the land" by taxing ground-rents, site values, and the buildings erected on such sites, and not excepting even chief rents and feu duties (which are a sort of perpetual ground-rents existing in Scotland), although it is now admitted that these "feu" duties are existing contracts which shew in its most exaggerated form the difficulty of dealing with them. If site values are to be taxed as distinguished from the buildings erected on such sites, it necessarily follows that this will include all empty houses and other buildings, indeed this is specifically provided for by the new Bill recently before Parliament; hence a person would be penalized for daring to own an empty house, &c., besides losing the rent or interest on the capital, and probably part of the capital itself, by depreciation of the property. The rating of empty houses would act as a discouragement of building, and the evasion of the law by running up temporary structures would probably be easy. We have examples of this in one of the principal streets in Halifax, although an attempt was made to provide against this by the last Bill. Public bodies spend money on police, education, poor relief, lighting, cleansing, libraries, baths, new roads, tramways, improvements, &c., and the public get the benefit of the expenditure. The so-called improvements

are not undertaken for the benefit of any private individual. In other words, rates are spent in satisfying the needs of the occupiers living on the covered portions of a district. So far as land is vacant there are no occupiers to cause expenditure. If a town is stationary or declining there will be no increase in the value of adjacent land whatever expenditure there may be. On the other hand, rapid growth of population—of people congregating together for their own benefit—will cause land to rise in value. What virtue can anyone claim for doing something ostensibly for his own benefit because it accidentally or incidentally benefits his neighbour at the same time? The extraordinary increase in the value of land in many towns in South Africa has, of course, been entirely independent of any improvement out of the expenditure of rates. When land is covered with buildings it contributes to the rates and diminishes the amount per £, but there are then extra services such as watching, lighting, cleansing, sewering, paving, flagging, &c., so that the amount per £ will be kept the same. Vacant houses and vacant land do not use either gas, water, or sewers, or even the roads or pavements, and the public, instead of watching and protecting them, are in my experience more inclined to commit nuisances upon them by breaking windows, pulling down the fences, &c. Owners generally give the land, make roads, streets, sewers, &c., hand them over to the public free of cost, and then have to pay rates on any buildings they may erect. Lord Derby, it is said, spent over £100,000 on Stanley-road, Liverpool, in this way. He thus, no doubt, provided himself with a good extra rent-roll, but he at the same time vastly increased the rateable value of the municipality without any expenditure out of the rates. This is one example only. Most property owners know what buying half the street or road means and then being called upon to drain, pave, flag, and channel the same before the corporation will take it over even as a gift to the town for the use and benefit of the public. So-called public "improvements" frequently prove the reverse of beneficial to the owners of vacant land. There are many instances in all our large towns where actual damage is done to the property. Then what about the loss of rent, interest, and probably part of the capital itself? It is all very well to say, "If a man's land depreciates in value he will have so much less to pay in taxes under the proposed new system"; but it appears to me like "piling on the agony" to tax land which, perhaps, produces no income whatever, and has depreciated one-half or more in value, whilst shares or other personal properties which have doubled and trebled in value are not taxed at all. The Royal Commission in 1897 reported that rural land had depreciated no less than £1,000,000,000, or one-half its value, during the previous twenty or thirty years, and that true rent had entirely vanished, since the owners were not receiving ordinary interest upon the sum which it would cost to erect the buildings and fences on the land. Anyone may buy land if he thinks proper and has the wherewithal. The law allows everyone to please himself in this respect. There is no monopoly in land so long as there are more sellers in the world than buyers. Land can still be had free in many places if the tenant or owner will only provide labour and capital to cultivate it. Some people prefer Consols, mortgages, shipping; insurance companies; banking, railway, brewery, mining, and other shares; furniture, stock-in-trade, pictures, diamonds, jewellery, &c.; others, who are satisfied with less interest, invest their money in land and houses. The man who invests his money in shares, &c., sits at home smoking his pipe, does nothing but receive his ten or twenty per cent. dividend, whilst his capital increases perhaps four or five-fold or more. The landowner does the same sitting and smoking, hoping at some future time he may get some return or interest for his capital invested in vacant land in the shape of increased value, seeing that he has no rent, income, or dividend in the meantime; but instead of his capital being increased and him receiving his ten or twenty per cent. dividend, he finds that he has not only received no dividend or interest, but that one-half of his capital or more has been lost by depreciation in the value of his property, even though it may be near the very centre of the town. Where even the solitary individual who is lucky in buying land at say £5 per yard, and increases the price by loss of interest or dividend on his capital until the land has cost him £10 per yard, when it is sold and built upon the authorities then tax not simply the £5, but the £10, besides the buildings, and so make up for lost taxes during the transition period. If it is said that the increased price is equal to an annual income, then why should that price or income be taxed until it is realized the same as income? What taxes does a man pay on the increased capital value who has his money invested in the various other ways before mentioned? None at all, but simply income tax on the income arising from his capital as he receives it, and nothing on the unearned increment or increased capital which has accrued through no exertion of his own. There is no tax on pictures which have increased in value from hundreds to thousands of pounds by simply hanging on the wall. Pictures by deceased artists cannot be reproduced any more than land can. If the increased value in the price of land is equal to an annual income, is not the increased price or value of shares also equal to an annual income, besides the dividends received from year to year? Then why tax one and not the other? What taxes have ever been paid by such companies as the B.S.A. Chartered Company, with its millions of capital which has never paid any dividend—still its shares have been sold at about ten times the original cost, and at the present time are quoted at considerably above the price at which they were originally issued. Of course, in the exceptional cases where shares are earning dividends, income tax is payable by those comparatively few persons who are lucky enough to receive such dividends, and where of course such persons are liable to pay any income tax at all, which is not always the case. But even then this is only paid on the increased income arising from what may be called the realized capital value, that is, the actually ascertained marketable price of the shares which can be realized at any moment. This state of things is, however, comparatively a very small incident, and it does not affect the main ground of my argument, that there are thousands of millions of capital invested in personal property in this country which does not pay one single farthing in taxation except income tax on the income, if any, arising from it. Consols, for instance; and there are thousands of millions more of capital invested in various kinds of shares and personal property upon which not even income tax has ever been paid or ever will be paid either in respect of their increased or decreased value—simply because there has never been, and probably there never will be, any income whatever arising from them. The capital is nevertheless invested and locked up in the shares, &c., just as it is invested in unproductive land. I can imagine what a howl there would be throughout the country if the landowners should propose that as Consols have now decreased in value, and the income from them is now only 2½ per cent. instead of 2¾ per cent., that the capital value should be taxed as well as the income. Or, again, if the landowners should propose that the "exploiters of labour" should be taxed on the capital value of their stock-in-trade and working plant—for loose machinery is, of course, only another form of personal property which is not rated at all, any more than stock-in-trade or furniture. . . . The president of the Independent Labour Party at Halifax recently said that "they stood for greater reforms than the mere tinkering of the taxation of land values," and described such proposals as a "wild goose chase." Most people, I think, will agree with him. I also heard a Labour candidate for Parliament state a short time ago that "If an additional tax on land values were imposed to-morrow, the workers generally would not and could not benefit one penny piece. It would be the money-owners and the 'exploiters of labour' who would reap the extra harvest." I fully endorse this absolutely unimpeachable statement of an economic truth. It would relieve these gentlemen of taxation at the expense of the landowners, but it would not benefit the workers. This statement may be denied and argued against, but it still stares us in the face all the same. There are thousands of working men in this country who have invested their savings in the purchase of their own houses; are they to be classed amongst the theives and robbers who have stolen the land from the people, or rather with those who have a settled love of their native land, and have legitimately invested their little all in the manner provided by law? Where land is required for public purposes the law already provides that the owner may be compelled to sell it at a fair valuation. But why should the law compel any one man to sell his particular plot of land for the benefit of any other single individual simply because that individual would like to build upon it? I know of no other commodity than land which the law will compel any man to sell or part with against his will at any price. It seems to be overlooked by the land value taxers that during the time that vacant land has been improving in value the rateable value has also been increasing, and that immediately the land is built upon it is taxed according to its increased value, and probably the increased rates on the increased value will more than compensate for any loss of rates which might have accrued from taxing it as vacant land for the purpose, as it is alleged, of forcing it into the market. In the end all that the land produces is the subject of taxation. Where should we be if all the vacant building land in the country were "forced into the market" by taxation of land values? And what would become of the buildings when they were erected? Besides, who is to determine which is building land and which is not? The law of supply and demand only can do this. Land is not really building land simply because the owner wants to let it or sell it as such. The general experience is that owners are as a rule only too eager to push vacant building land on to the market long before it is ripe. It is in the interest of landowners to bring their land into profitable occupation as quickly as they can; and I venture to assert—assuming that there is no disability with regard to title—that land is seldom, if ever, deliberately and intentionally withheld from the market when it is really ripe for building. But perhaps some people consider that it is keeping land off the market when the present owners decline to lose money by it, or to give it away, or sell it at the present market price, which by the unerring law of supply and demand may possibly have proved to be much less than when the owners themselves bought the land. I could give many instances of this character. The Select Committee of the House of Commons in their recent report say that not even in any single instance was any definite evidence brought before them of an owner of building land withholding it from the market as alleged; but, on the other hand, a great mass of evidence had been placed before them to prove, what indeed would appear to be within the experience of most individuals, that "owners are anxious to encourage building on their estates; that the keenest competition exists, not only between owners in the same district, but between different districts; that, so far from land being withheld, owners are eager to develop; that the competition is rather amongst owners for builders than *vice versâ*; and that the supply of land for building purposes exceeds the demand." No one will put up buildings where those already erected remain tenantless, and if no one can be found who is willing to build there cannot be much value in a so-called building site. Yet it is said this new tax will make land cheaper by forcing it into the market. In my opinion, the more a miller has to pay for his corn, the more he will want for his flour, and I also hold, perhaps the very foolish notion, that we should have cheaper tea if there were no tax or duty to pay upon it. Land speculation, it is said, is bad enough with us, but in America, where the capital value is taxed, speculation in land is everywhere excessive, the result being that in the cities and in the suburbs of cities, where working men live, the land is forced up in price, and is consequently cut up into still smaller strips than in England, and the houses are built still more closely together, or in flats and "skyrakers" from twenty to thirty storeys in height. If we must have a change, let us tax capital all round, however it is invested, as in America, instead of

income only from capital, as is now done in this country, and I have nothing more to say, though I do not think this would be any improvement on our present system. But to tax a man's savings because they are invested in vacant land or empty houses, from which he derives no income whatever, and which may possibly be depreciating in value, and to allow thousands of millions of capital, producing an "unearned increment" of perhaps 50 per cent. or more, to go free because it happens to be invested in various forms of personal property or in the commercial "exploitation of labour" is altogether beyond my humble comprehension. . . . Who pays the rates and taxes already existing, or on whom is the "incidence of taxation," as it is called—the landlord or the tenant? Taxation, it is said, is not adjusted to representation. The many vote, the few pay. The occupier gets the benefit of the expenditure of rates, whilst the owner pays them, and this in spite of the oft-quoted Radical principle, that "those who pay the piper are entitled to call for the tune." It is proposed that the new tax shall be paid by the landlords only. So that this is a suggestion made on behalf of the occupiers—who are the electors—that they should be able to elect representatives to spend money on their behalf which is provided by the landlords, who have no power whatever in the question of electing our town councillors. That is, the owners, as owners, have no voice in the matter. . . . If you put an increased tax upon the site values, it would in effect be doubling the rates upon the houses, and the rents paid by the working classes would accordingly increase, supposing the law of supply and demand to remain the same. Let them, therefore, I say, pause before shouting for the taxation of land or site values. It appears to me to be unfair to tax a value which consists in the anticipation of deferred income, and also to tax at an increased amount such deferred income when it actually arises, or, in other words, to tax the land twice over. If the tax were to be divided between owners and occupiers, the public authority would get no benefit, and in any event there would be no end of conflicts between the occupiers and the landlords and intermediate landlords as to how much of the tax was to be paid by each of them, which it would be impossible to determine with any degree of accuracy. Land is already taxed in almost every conceivable form. The holder or owner of a share in a commercial undertaking generally contributes 6d. or 8d. in the £ to Imperial taxation where he is liable to pay income tax (just now, as you know, it is more on account of the late war), and nothing at all to local rates, whilst the owner of each £ of rateable value in land contributes 6s. 8d. to Imperial taxation and local rates! In this way: Land and houses, &c., besides being subject to local taxation, in the long list of charges under the name of borough rates, general district rates, poor rates, school board rates, &c., are also subject to Imperial taxation, such as—Landlords' property tax under Schedule A of the Income Tax Acts; tenants' property tax under Schedule B (this tax is on agriculture, and is payable by the farmer in the first instance when land is let—by the owner when the land is in hand, the law presuming that agricultural land is practically never unoccupied); inhabited house duty on houses of the annual value of £20 and upwards; land tax; stamps on deeds relating to dealings with real property. This alone, as you know, is 10s. for every hundred pounds in value. Stamps on contracts for the sale of land; whilst millions of pounds' worth of personal property can be and is transferred without the payment of a single penny duty. If a man who buys land is called upon to pay 10s. per cent. for stamp duty, why should not the man who buys £100 worth of wool or cotton, &c., pay the same, seeing that he very often makes more profit out of the transaction? . . . The statute of Elizabeth, before mentioned, provided for the taxation of every "inhabitant" of the parish, as well as every occupier of lands and houses therein, according to their ability to pay. This law remains in force at the present time, practically, but owing to the great difficulties experienced in discovering, following, and catching personal property (which now forms four-fifths of the wealth of this country), the custom of abstaining from assessing it has now become general, and land and houses have to bear the great bulk of taxation payable by someone in one form or another. Some people seem to imagine that all rates are paid by the tenants and occupiers of the land and houses thereon, but I agree with the late Mr. Gladstone and all our great thinkers and economists that "all rates eventually find their way to the landlord." If there were no rates at all to pay, a tenant would be willing (in the sense of being compelled, subject to the law of supply and demand) to pay more rent, and the landlord would consequently get so much more cash into his own pocket. It does not follow because a person pays money, or it passes through his hands in the first instance, that it necessarily comes out of his pocket. The tenant says he can only afford to pay so much for shelter. It does not matter to him, and he does not care, whether the landlord has to pay part of what he receives for rates and repairs or for food and clothing. That is all the tenant can afford to pay, and if he can get a cheaper house elsewhere he will remove. It is the landlord's property which is taxed and rated, and not the individual tenant. He is simply the agent of the landlord where he pays part of the economic value of the premises to the tax and rate collector direct. If a man wants £130 a year for a house, including rates, he will probably take £100 a year if the tenant pays the rates direct. I think the manual workers would not only not benefit by the proposed change but they would be worse off, for the "exploiters of labour" would escape the tax, and the landowners, in good times, would no doubt seek to recoup themselves by adding the additional tax to the workers' rents—that is, of course, if the law of supply and demand would enable them to do so. . . . Personally I have no wish to quarrel with those who think differently to myself on this point, provided they will all do their level best in preventing the ever-increasing burden which is being cast upon real property only throughout the country by our Socialistic legislators and municipalisers. The up-to-date Socialist knows who pays the rates and taxes whether anyone else does so or not. Because an importer of tea pays the duty in the first instance, it does not mean that it comes out of his pocket. As we all know it comes out of the pocket of the consumer. If the tenants or workers pay the rates, as some allege, why are they so very anxious to put this proposed new tax upon the owners' land? Our friends "the enemy" appeared to have captured Sir Albert Rollit, M.P., and also seem to have boomed him for all he is worth—and a great deal more—if I may say so without intending offence. But he is a municipalizer and a taxer of land values. He is reported to have stated that "people looked at municipal indebtedness with only one eye." They looked at the debit side of the ledger and "ignored the assets." Would it not be advisable if people could close both eyes sometimes, so that they would not be able to see such items as £109,000 worth of unpaid-for demolished buildings, gas retorts, &c., appearing as "assets" in the books (only) of our municipalities, as was disclosed at a recent local government inquiry at Halifax? It is suggested by the land value taxers, should their proposal ever be accepted (?) that each owner, so to speak, shall pay his proportion of tax in proportion to his interest in the property. The freehold ground owner shall pay so much, the first leaseholder so much, the sub-leaseholder so much, and so on. But how would this work out? The last Bill also provided for apportionment in case of several tenements in a single building, such as *flats*, &c. As you know, many freeholders, when granting leases, do so for a substantial premium, reserving only a nominal or what is known as a "peppercorn" rent. In other words they sell the leases for so many years. The leaseholder builds upon the land, creates a ground-rent, and gets a substantial sum for the buildings he has erected—that is, he sells the lease and the buildings besides reserving an additional ground-rent, and so the process goes on right up to the actual occupier, who has to pay the proposed tax, say on £100 a year ground-rent, or site value rate, which he deducts from his immediate landlord, who has to pay the tax on that amount. This landlord, as a sub-leaseholder, has to pay £50 a year ground-rent, so he pays the tax on £50 himself, and deducts the other £50 from his landlord's rent, until they get back to the freeholder, but as the freeholder has taken a big premium instead of reserving a substantial ground-rent, this leaseholder is left in the lurch, for he cannot get £50 out of a peppercorn, and he cannot get much tax on the same amount, and so the real owner of the site—the freeholder—would escape the tax altogether. The same thing might happen with intermediate leaseholders who had run away with substantial premiums and had granted sub-leases at nominal ground-rents. In all cases where any immediate interests had been taken by way of premium it would, of course, be impossible to pass on any taxation. You cannot deduct something from nothing. A ground landlord cannot allow a deduction on a rent which he does not receive. The occupier is the man who gets the advantage of any improvement during a lease, which he can and does frequently market or sell at a big profit, which he puts into his pocket and then walks quietly away. And why not? It is a fair, straightforward business transaction. However much the land and premises improve during the lease the ground landlord must be satisfied with his original rent. I can conceive cases where such a landlord would have to pay ten times more in taxes than he would receive in rent should the proposal ever become law. Then what about the cost of valuations and the cost of collection of such a tax between and from all the various owners or holders right back from the occupier to the original freeholder? Would the tax-collector, leave, say, half-a-dozen demand notes with the occupier and expect him to pay the lot, and find out who are his predecessors in title to reimburse him according to their respective liabilities, or would the various owners and their mortgagees be hunted out by the collectors and a demand note left with each one or for each one with the occupier; and who would have to examine the title deeds to find out the mortgages and other charges affecting the property? Then again, would every site be valued separately, and in case of dispute who would fix the value? It has been estimated that such so-called guesswork "valuations" would cost £2,500,000 for London alone, with £10,000,000 more for the Western counties, to say nothing of the East, the Midlands, and the North, and that they ought to be made every five years at least—some say annually! . . . Suppose such a system of valuations or assessments should ever be adopted, what a crop of appeals we should have, and what a harvest there would be for the valuers and lawyers! On the principle of rating at present established in England, every interest in a leasehold property is already rated, and there is no difference between a leasehold property and a freehold property of the same character, assuming the valuation to be correct. If site values are not already included in all assessments, how comes it that premises in the centre of all large towns are assessed at probably five to ten times as much as similar premises in the suburbs? Even Mr. Fletcher Moulton, K.C., M.P., one of the greatest advocates in favour of the proposed tax, is bound to admit that "existing contracts could not be set aside." It was announced when the second reading of the last Bill was moved in the House of Commons on the 11th of March last that "owing to the technical difficulties" (existing in Scotland) "it was necessary to confine the Bill to England and Wales, and that it was not proposed to interfere with existing contracts or to interfere in any sudden or disturbing way" [mark the expression] "with any humble investor in ground-rents." It would have been, to say the least, more candid if the House had been informed that similar "technical difficulties" exist both in England and Wales, only to a very much greater extent, than those existing in Scotland. For instance, we have hundreds of thousands of existing contracts (in the shape of long leases, perpetual ground-rents, &c.) in England and Wales, many of which will last for hundreds of years, others for thousands, and some, like those in Scotland (feu duties or perpetual ground-rents), to the end of time. I am not, of course, egotistical enough to suppose that the book recently published by me on this subject, which called attention to the

numerous injustices which might be perpetrated in such cases, had anything to do with this change of front, but it is nevertheless worth noting that the change has taken place since my book was published. All previous Bills were to be retrospective, and were to apply to all contracts whether past or future. To mention one instance of "a technical difficulty" or injustice. Suppose a man took premises at a low rent fifty years ago on a long lease. The premises have increased tenfold in value, which the tenant gets the benefit of. The rent remains the same. It cannot be increased, and the landlord is called upon to pay ten times the amount in land value tax that he is actually receiving in rent. This may happen in the future even under the new Bill should it ever become law. But after dropping this "hot brick" of existing contracts, the promoters are not by any means rid of their "difficulties." Take the County Borough of Huddersfield as an example, which is purely a long leasehold town (report says that there is only one small solitary freehold in it), where all tenants are under "existing contracts" which cannot be interfered with, to say nothing of innumerable similar long leases in such places as London, Liverpool, Manchester, &c. Are you in Portsmouth or we in Halifax—which is mostly a freehold or copyhold town, although, no doubt, many long leases and perpetual ground-rents exist at both places—are you gentlemen in Portsmouth and other parts of the country going to take this "lying down" and allow your site values to be taxed, whilst Glasgow, Huddersfield, and other similar towns are allowed to go "*Scot*" free? Do you think that Parliament ought to be allowed to pass such an iniquitous measure, even with the modifications now introduced, such as "having regard to restrictions imposed by law or deed on the use of the land," and which is another of the "technical difficulties" to which I have previously called attention. Don't forget, however, that now for the first time there is a majority (of sixty-seven) recorded in the House of Commons in its favour. In the interests of your clients, if not of yourselves, I think it is high time that the legal profession as a body should "wake up" to the importance of the subject. The "humble investors in ground-rents" are mostly the wealthy insurance companies, who also ought to "mount guard" ere it be too late, though only just at first in a nice, quiet, gentle, and not in "any sudden or disturbing way" is it intended to interfere with these "humble investors." If ground-rents are not existing contracts it would be interesting to know what they really are. The outrageous proposal to tax empty houses and premises is still retained. I know one gentleman who is at present suffering to the extent of £300 a year (half his previous income) from "empties" alone—although some of the property is in the very heart of the town. Still the cry is, Tax him! Tax him! the villain, for buying property which has been robbed from the people—it matters not to us that all his life's savings are invested in it—Tax him! The new system would involve an inquiry as to the best or most productive use the land could possibly be put to (and on this point every surveyor might have a different opinion), and the rights of way, light, and drainage, &c., would have to be taken into consideration, to say nothing of restrictive covenants, which latter, by the way, the new Bill now recognizes to some extent, after the difficulty has been pointed out. Self-interest and the law of supply and demand are in themselves the most powerful inducements for a man to put his land to the best possible use he can or may be lawfully able to do. When a person has developed a site for building purposes by giving the land for and making roads and sewers, &c., the cost of which may possibly amount to as much as the value of the building land itself—the rent which he may receive includes interest on the additional capital expended, and to levy a tax upon this would be taxing both capital and labour as well as the land, which even the capital owners, land value taxers, and the Socialists themselves are anxious to avoid. If all our rates and taxes are to be raised from the landowner's land only "according to the benefits received" by them in the increased value, or the so-called "unearned increment," of their property, where would the benefits begin and where would they end? To quote Professor Smart again: "If a working man were to ask himself why it is that he gets 35s. a week when his father, not less skilled, not less hard-working, was glad to get 22s., he might find an object-lesson in earned and unearned increment. In short, the taxing of increment on the ground that it is unearned introduces canons of remuneration known as yet only to Socialism." The increased value given to some properties in a town by new waterworks, main drainage works, or improved paving is, in proportion, far in excess of the benefit derived by other properties; but it would be impossible to pick out all the properties which specially benefit by each class of expenditure and impose a special charge on them which would equitably adjust the contribution to the expenditure on those works. The same arguments apply to what has been called a "betterment" rate, proposed to be laid in some towns. A "betterment," or street "improvement," may possibly benefit a whole town; but is this any just argument or reason why the local property owner should be made to bear the cost? If the "improvement" benefited a certain area only, who can say how far such area shall extend, and who must bear the loss in respect of property which has been actually depreciated by such so-called improvement or betterment? Why do not all our corporations, when making new roads, streets, or improvements, get hold of all the frontages, "betterment," and "unearned increment" for themselves, instead of allowing "the ravenous land speculators" to step in and reap any benefit from them, after giving several times as much for the land as the corporations could have bought it for at the time when they acquired the land for the new road or street? The corporations could force sales, whereas the "land grabbers" have to buy in the open market. The courts have decided that there is no legal restriction against corporations buying more land than they require for their immediate purposes, as there is in the case of railway companies, which are bound by the Lands Clauses Consolidation Acts to take simply the narrow strips only which may be required for the time being. The Halifax Corporation could have done this with respect to the very last new street they made, and so have "recouped" themselves the whole cost of the improvement, whereas they have recently bought part of the land to widen the street at many times the price they could have bought it for and which it was sold for originally at the time they made the street. Should individuals be now made to suffer for their shortsightedness? I feel that this paper is already too long, and the time at my disposal is too limited, to enter into such a discussion or inquiry on the present occasion; and as possibly some of you may have obtained, or heard of, my book recently published on the subject, I may perhaps be excused if I refer all those who are desirous of pursuing the subject further to a perusal of its pages.*

Obituary.

Mr. J. L. Trafford.

Mr. John Leigh Trafford, solicitor, of Northwich, died from a fall on the 22nd ult. He was educated at Rossall School and Peterhouse College, Cambridge, where he graduated as thirty-sixth wrangler. After serving his articles with the late Mr. Potts, solicitor, of Chester, he was admitted in 1861, and took up an important position with Messrs. Hollams, Son, & Coward, of London. Some years later he came to Northwich, and entered into partnership with the late Mr. William Wood Blake. The firm of Blake & Trafford were clerks and advisers to the Weaver Trust, and when, later, the partnership with Mr. H. Hatt Cook was effected, the firm became solicitors to the trust and continue so up to the present time. For over twenty years Mr. Trafford acted as clerk to the Eddisbury division justices, and for a similar period had filled the position of Commissioner of Taxes for Eddisbury. Mr. Trafford, says the *Chester Chronicle*, had refined literary tastes; he was wonderfully well-informed, and his reading had been so wide and so varied, and at the same time so sympathetic, that an intimate conversation with him was a delight. A shrewd adviser and a clever lawyer, Mr. Trafford was also generous and kindly. There are many who will miss him from his accustomed place, and the town will seem strange without his familiar figure.

Legal News.

Appointments.

Mr. ARTHUR H. TREVOR, barrister-at-law, has been appointed Secretary to the Commissioners in Lunacy in the place of Mr. Lionel Lancelot Shadwell, appointed a Commissioner.

Mr. WILLIAM PICKFORD, K.C., has been appointed Recorder of Liverpool, in the place of Mr. Charles H. Hopwood, K.C., deceased.

Mr. ALLAN GIBSON STEEL, K.C., has been appointed Recorder of Oldham, in the place of Mr. W. Pickford.

Mr. WALTER SCOTT, solicitor, of Cardiff, has been appointed Honorary Secretary to the Cardiff Law Society.

General.

Sir Edward Fry represented Great Britain at the Code Civil celebration in Paris on Saturday.

Mr. Justice Phillimore has been appointed the judge to try cases in the revenue paper for the ensuing year.

The following judges will remain in town during the whole of the Autumn circuits: The Lord Chief Justice, and Justices Lawrance, Kennedy, Ridley, Jelf, and Lawrence.

The judicial business of the House of Lords will be resumed on Tuesday, 8th November. The present list contains forty cases, of which twenty-eight are English, one is Irish, and eleven are Scotch appeals.

Mr. Charles Mathews will preside at the first smoking concert of the season of the Legal Musical Society, which will take place at the Freemasons' Tavern on Friday evening next, the 4th of November.

The Prince of Wales, who is treasurer of Lincoln's-inn, will not be able to dine in Hall there on the Grand Day of Michaelmas term on Thursday, the 17th of November, as had been previously arranged.

Mr. Henry Dickens, K.C., will preside at a smoking concert in aid of the Royal Courts of Justice Staff Sick and Provident Fund, which will take place at the Portman Rooms on Monday evening, the 5th of December next.

In the course of the hearing of undefended divorce petitions on Monday, Sir Francis Jeune took occasion to remark in one case, "This is the longest petition I have ever seen. There are fifty-six charges on the petition."

The Judicial Committee of the Privy Council resumed their sittings on Tuesday last. A number of Indian and Colonial appeals have, says the *Times*, been set down for hearing, including an appeal by the United States Government against a judgment of the Supreme Court of Quebec in a matter connected with an application for the extradition of two persons charged with crimes in America.

* Mr. Rhodes's book is published by Messrs. Jordan & Sons, Chancery-lane, London, price 2s. 9d. net, post free.

Mr. Justice A. T. Lawrence has accepted the invitation of the members of the Oxford Circuit to a complimentary dinner on his elevation to the bench, to be given on Thursday, the 12th of January next, at the Café Royal, Regent-street. Mr. H. D. Greene, K.C., M.P., the leader of the circuit, will preside.

We are informed that Sir John Paget's work on the Law of Banking, which was published in February last, has been so much appreciated, that although the publishers, Messrs. Butterworth & Co., printed an edition estimated to last about four years, all the copies have been sold, and a new impression will be ready immediately.

The following incident is recorded by the *Daily Mail*: "As a matter of curiosity, may I ask why 'Philosopher John' Burdett?" asked Mr. Justice Kekewich on an application by the former partner of a Mr. Burdett, deceased, who was once the proprietor of the Hotel Victoria at Southend. "He was so christened, my lord," exclaimed counsel; "he did not follow the profession of a philosopher, but was a licensed victualler."

A correspondent of the *St. James's Gazette* recalls a story he heard the late Sir James Fitzjames Stephen relate at a dinner given about the time of the Tichborne trial. The conversation having led to the mention of Mr. Hawkins's name, "Ah," said Stephen, "I said to him the other day, 'Hawkins, what makes you persist in behaving in court like a third-rate actor?' The answer was of course prompt. 'Because, my dear boy, I do it so devilish well, you know!'"

Away on a bend of the Upper Missouri, says the *Central Law Journal*, twenty-eight lawyers practised the Iowa Code. It so happened that supplies were short at Fort Randall, and a Government team came over the prairie for coffee and corn. There were some old scores unsettled in the town, and the creditor resolved to get "secured." The leader of the bar looked it up in the Code, and filled out attachment blanks, in which it was sworn that "he had reason to believe, and did believe, the said United States were about to leave the country to defraud their creditors."

According to a correspondent of the *Globe*, in Guernsey a man who has been placed under "curatelle" for mental weakness, profligacy, or drunkenness is free to make a will, though unable to sell or mortgage his property. "In Jersey," he adds, "he cannot do either. He becomes, in fact, a corpse at law. He cannot make a will or receive or give receipts for money." The correspondent mentions the case of a lady with an annual income of £104, who was left with less than £40 for maintenance after she had paid the legal fees for being placed under "curatelle" for one year and a day.

There is, says the *Daily Mail*, friction between the Recorder of Bath (Mr. H. Coleman Folkard) and the magistrates. At the quarter sessions last week Mr. Folkard implied that the magistrates had convicted a man of till-stealing upon insufficient evidence. He considered that the case ought to have been sent for trial. The justices have held an indignation meeting, and have forwarded resolutions to the Lord Chancellor and the Home Secretary protesting against the assumption by the recorder of powers to interfere with them. They contend that it is clear that if a prisoner elects to be dealt with by the magistrates in preference to committal they have absolute power to deal with him.

A transcript, certified by an acting mayor in a criminal case, which is sent to the American *Case and Comment* by an Ohio correspondent, reads as follows: "It is thereupon on said day by me, the said mayor, adjudged and ordered that said cause was argued fully by counsel, in the course of which argument counsel for State alleged in open court that the court understood as well as he the law of the case, and in the course of argument by counsel for defendant he alleged in open court that the court knew more law than counsel on either side and more than both put together, and the same not being disputed by counsel, and there being no evidence offered to the contrary, and for the purpose of disposing of all the issues presented, the court finds from the preponderance of the evidence adduced said allegations to be true, and it is by the court so considered."

Mr. J. Spencer Phillips, the newly-elected president of the Institute of Bankers, in his address on Wednesday, referred to the reckless borrowing by local authorities. According to the *Daily Mail*, he pointed out that the loans had almost quadrupled in the last nineteen years, while the rateable value of the property which was their security had not doubled. This finance, he declared, was not only responsible for the depreciation of all first-class stocks, but was a menace to our commerce, and had already damaged the credit of the country. Turning to the question of the growth of municipal indebtedness, Mr. Phillips said this now amounted to half of the National Debt, and almost all the chief cities and boroughs were waiting for a favourable moment to make fresh flotations. In England and Wales alone the loans had increased from £92,000,000 in 1875 to over £350,000,000 now, whereas the rateable value of the property on which they were based had only risen from £115,000,000 to £174,000 000. The annual burden, however, had increased from £19,000,000 to £48,000,000.

A remarkable story was, says the *Standard*, told in the Birmingham City police-court, on the 27th ult., when Charles Langton was committed for trial on a charge of defrauding Messrs. Rowlands & Co., solicitors, by whom he was employed, of £2,240, by means of a forged cheque. The accused, it is alleged, forged the body of the cheque, which had been signed by a junior partner for £2, and then drew it on an account which he knew would not be inquired about for several months. This was early in 1900, and Langton, who was under notice to leave, got away and cashed the cheque in London, taking large notes, which he afterwards exchanged for smaller ones. Since 1900 no trace of him had ever been found. On Tuesday last, when Mr. Joseph Rowlands was walking in the cloisters of the Temple, he met the prisoner. Langton immediately bolted; but Mr. Rowlands, who though aged is active, gave chase, and caught him in Fleet-street. Prisoner first begged to be forgiven, and then denied having committed forgery. It was stated that the cheque was the first Mr. Rupert Rowlands had signed on behalf of the firm.

The Liverpool City Sessions, which had been arranged to begin on Wednesday, were, says the *Times*, adjourned, without any business having been transacted, in consequence of the recent death of Mr. C. H. Hopwood, K.C., who had been Recorder of the city for eighteen years. At a meeting of the Liverpool City Council on Wednesday the Finance Committee brought forward a recommendation to the effect that the Home Office be informed that the council are prepared to pay the next recorder a salary of £400 per annum in respect of the four courts of quarter sessions required by the Municipal Corporations Act, 1882, and a further sum of £50 for each intermediate sessions. Mr. J. S. Harmood-Banner (chairman of the committee) announced that the substance of this recommendation had already been communicated to the Home Office, whose reply was that the council had no power to reduce the salary below the figure paid to Mr. Hopwood, which was £525 per annum. In addition Mr. Hopwood received 100 guineas for every intermediate sessions. He held four such extra sessions last year, and his total payments, therefore, amounted to £945. In view of the notification from the Home Office, the Finance Committee now proposed that the council pay a salary of £525 and £50 for every intermediate sessions. The matter was adjourned. As will be seen in another column Mr. William Pickford, K.C., has been appointed Recorder of Liverpool.

A singular property was offered for sale on the 27th ult., by order of the High Court, namely, the Woking, Aldershot, and Basingstoke Canal. The auctioneer (Mr. Breach, of the firm of Messrs. Farebrother, Ellis, Egerton, Breach, & Co.), in putting up the property, said that the canal, which was constructed under two Acts of Parliament passed in the reign of George III., was built at a cost of between £150,000 and £200,000, and was opened in 1794. It was about thirty-seven miles long, and there were twenty-nine locks. The traffic was at the outset very remunerative, but when the South-Western Railway was constructed it seemed gradually to "swamp" the canal. There were thirteen wharves conveniently placed at important military and trading centres; and along the canal were a number of lockkeepers' dwellings, warehouses, &c., principally let. The property embraced a total land and water area of about 366 acres. There were rentals now coming in amounting to £500 a year, and the revenue—the general trading of the company—was £5,000. He then invited bids for the property. To his suggestion that they should begin at £50,000 there was no response, upon which he invited offers of £40,000 and £30,000 with the same result. He was, he remarked, in the hands of intending buyers: but he was acting under sealed instructions, and he could, therefore, give no hint as to prices. Subsequently he invited bids of £25,000 and £20,000, adding that he would not go below the last-mentioned amount. No offer, however, was made for the property, which was accordingly withdrawn.

Lord Justice Mathew contributes to the Life and Correspondence of Lord Coleridge, which has just appeared, a note on Lord Coleridge, in which, speaking of him and Lord Bowen, he says: "If their intellectual qualities could have been combined, the result would have been the creation of a second Mansfield, or something greater. Bowen had a power of work rarely found in combination with brilliant endowments of mind, but his ineffectiveness as a speaker, and his uncertain health, made it doubtful whether he would succeed as a leader. Coleridge, on the other had, had the rare faculty of rapid apprehension, and could readily acquire the materials for the display of his natural powers. . . . Coleridge's powers as a speaker were only rivalled by his literary ability. He could speak or write with rare facility. When the subject interested him and he had prepared himself, the result was admirable. His style in addressing a jury was cultivated and impressive, though he never commanded sympathy, as did inferior speakers. His sagacity enabled him to grasp propositions of law, and his knowledge of mankind to illustrate them with great lucidity. He was at his best before Cockburn, when the Chief Justice was not predisposed towards the view which Coleridge was putting forward. Each understood the other. Cockburn would watch eagerly for an opening while Coleridge addressed the jury, and the advocate, fully alive to the wish of the judge to launch a bolt, would keep out of reach with the utmost dexterity and skill."

Mr. Arthur Mather, solicitor, of Liverpool, writes to the *Times* with regard to the suggestion that, in lieu of the president, some member of the Law Society should be appointed by the Lord Chancellor as a member of the Rule Committee on the nomination of the Council of the Law Society for a definite period—say three or five years. By this means, he says, not only would such member, by prolonging his term of office, become more familiar with the work of the committee, but the Council would no doubt be able to nominate a member more familiar with the practice of the courts than some presidents have been. This question has already been brought by the Law Society to the notice of the Lord Chancellor, who has promised to consider the suggestion when next an amendment of the Judicature Acts becomes necessary. The country solicitors, whilst approving of the above proposal, are also of opinion that the provinces should be represented on the Rule Committee, following the precedent given by the Solicitors' Remuneration Act, 1881, which provides that the committee appointed under that Act to make rules in England is to comprise "the president of one of the provincial law societies or associations to be selected or nominated from time to time by the Lord Chancellor to serve during the term of office of such president." Points often arise with regard to district registries and other matters connected with litigation in the provinces which do not appeal to London solicitors in the same way as to those in the provinces; and, having

regard to the modern tendency of decentralization and to the large volume of business transacted in district registries, and especially in large centres such as Liverpool, Manchester, Birmingham, and Leeds, it is submitted that it is not unreasonable that there should also be on the Rule Committee some solicitor familiar with the practice in the provinces. Both the Law Society and the Associated Provincial Law Societies have passed resolutions in favour of the above suggestions, and Mr. Rawle, in his recent presidential address, spoke in favour of the proposal. The Lord Chancellor, shortly before the Vacation, received a deputation from the Associated Provincial Law Societies, on the subject and was good enough to say that he would carefully consider the question.

In addressing the grand jury at the Salisbury Assizes on the 26th ult., Mr. Justice Wills commented at considerable length on the Poor Prisoners' Defence Act. He said (according to the *Times* report) that the Act was without doubt one of the worst-conceived and worst-drawn pieces of legislation that he had ever seen; it was most defective in things which really ought to have been provided for if such an Act was passed at all. He was in sympathy with the general purposes of the Act, and not against it. Practically, to his mind, if the innovation introduced by the Legislature was to have any practical effect, the prisoner would have to make an application to the magistrates upon commitment when that took place, and not to a judge afterwards. The Act provided that application might be made to a judge of assize, the chairman of quarter session, or committing magistrates. During the last month he had had five applications made to him from prisoners on that circuit; and he was informed by the clerk of assize that there were others. These applications had reached him during the Vacation. He knew that many of his brethren thought it was a mistake on his part to attend to applications then; they thought he should have waited until he came to the assize towns in the regular course, and have dealt with the applications then. He was not sure that that was not a proper view. The practice was to put a notice in every cell giving prisoners what was, in popular language, an inimation that the Act existed for those who wanted to take advantage of it. The prisoner had to tell the governor of the prison, and the governor wrote to the clerk of assize. The clerk of assize had in each instance written to him about cases, and sent the depositions; but it had occurred in more instances that he had not given an answer satisfactory to himself without a further intimation of the nature of the prisoner's defence and as to the witnesses he proposed to have called. That was not a satisfactory way of dealing with the matter. It was no part of a judge's business to be in correspondence with the governor of a gaol, nor was it the duty of the clerk of assize or any clerk to write such letters. He got nothing for it, and it was not a proper way in which anything of the sort should be done. Therefore he thought that if anything practical was to come out of the important part of the Poor Prisoners' Defence Act there should be provision made for a prisoner to have a solicitor assigned to him on commitment who would be able to make inquiries which could not be so well made when counsel was assigned for defence by any judge at assize or chairman of quarter sessions. The practical result was at present that the Act would be of very little consequence and of very little use to a prisoner if it was only to be exercised by any one at the time the court was sitting. He was informed that there were further applications to be dealt with by him that day, and that was why he said that the appointment of a solicitor, which was newly-provided for by the Act, was most important. The great advantage of an assignment of a solicitor was to make inquiries, and in getting together evidence that a prisoner might have to rely on. That assistance would be no use if deferred till the trial took place. There had been a long discussion among the judges on the matter; and it was most desirable that, both at the last assizes and the present, that opportunity of putting the matter right should not be lost sight of. The grand jury made the following presentment: "That, having regard to the remarks of his lordship with reference to the Poor Prisoners' Defence Act, 1903, the grand jury of the county of Wiltshire desire to express their opinion that there are many difficulties in bringing the Act into operation in its present form, and hope that in a future session of Parliament the Act may be reconsidered, with a view to its amendment and improvement for practical working purposes."

Winding-up Notices.

London Gazette.—Friday, Oct. 28.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

Cottonwood River (BC) Alluvial Gold Mining Co, Limited—Creditors are required, on or before Dec 9, to send their names and addresses, and the particulars of their debts or claims, to H. E. G. Dawson, 20 and 21, Lawrence ln. Scott & Co, Queen st, Cheapside, solors for liquidator

Electrical Bleaching Co, Limited—Creditors are required, on or before Nov 14, to send their names and addresses, and particulars of their debts or claims, to William Barrett Winnicott, Prudential bldgs, King st, Nottingham

Elmora Trust, Limited—Petn for winding up, presented July 30, directed to be heard Nov 8. Church & Co, Bedford row, solors for petner. Notice of appearing must reach the above-named not later than 6 o'clock in the afternoon of Nov 7

Farm Stores Co, Limited—Creditors are required, on or before Nov 19, to send their names and addresses, and the particulars of their debts or claims, to Thomas Hughes, Mindon, Menai Bridge, Anglesey

Hannans Associated Mines, Limited—Petn for winding up, presented Sept 2, directed to be heard Nov 8. Ashley & Co, St Stephen's chmbrs, Telegraph st, solors for petner. Notice of appearing must reach the above-named not later than 6 o'clock in the afternoon of Nov 7

Knowsley Stores, Limited—Creditors are required, on or before Dec 6, to send their names and addresses, and the particulars of their debts or claims, to William Denton, 7, Sweeting st, Liverpool. Leslie & Co, Liverpool, solors for liquidator

Mitchells, Limited—Creditors are required, on or before Dec 6, to send their names and addresses, and the particulars of their debts or claims, to John Mitchell and William Henry Challiner, 8, Victoria st, Liverpool. Bellringer & Co, Liverpool, solors for liquidators

Petroleum Oil Trust, Limited—Petn for winding up, presented Aug 2, directed to be heard Nov 8. Kirby & Co, Gt George st, solors for petners. Notice of appearing must reach the above-named not later than 6 o'clock in the afternoon of Nov 7

Ramsden & Dorsey, Limited—Petn for winding up, presented Oct 26, directed to be heard at 8, Albion-pl, Leeds, on Nov 7, at 11 W. & E. H. Foster, Greek st chmbrs, Park row, Leeds, solors for petners. Notice of appearing must reach the above-named not later than 6 o'clock in the afternoon of Nov 5

Red S Steamship Co, Limited—Creditors are required, on or bef re Dec 1, to send their names and addresses, and particulars of their debts or cla'ms to Maurice James de Hart, Ladbroke sq. Sweepstone & Stone, Gt St Helen's, solrs to the liquidator

Story & Clark and F. Kaim & Sons, Piano & Organ Co, Limited Petn for winding up presented Oct 20, directed to be heard Nov 8 Speyer & Sons, London wall, solors for petner. Notice of appearing must reach the above-named not later than 6 o'clock in the afternoon of Nov 7

Toronto Trading Co, Limited—Creditors are required, on or before Dec 31, to send their their names and addresses, and the particulars of their debts or claims, to James Arnott Sisson, 13, Grey st, Newcastle upon Tyne Wilkinson & Marshall, Newcastle upon Tyne, solors to liquidator

London Gazette.—Tuesday, Nov. 1.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

A. A. Reader, Limited (Milborne-street, Well-street, Hackney)—Creditors are required, on or before Nov 15, to send their names and addresses, and the particulars of their debts or claims, to William Charles Brooks, 11-12, Clements ln

Aluminium Rotary Press, Limited—Petn for winding up presented Oct 28, directed to be heard Nov 15 Smith & Co, John st, Bedford row, solors for the petners. Notice of appearing must reach the above-named not later than 6 o'clock in the afternoon of Nov 27

British African Industries Syndicate, Limited.—Petn for winding up, presented Oct 20, directed to be heard Nov 8. Dade & Co, Basinghall st, solors for petner. Notice of appearing must reach the above-named not later than 6 o'clock in the afternoon of Nov 7.

Goongarrie United Gold Mines, Limited (in Liquidation).—Creditors are required, on or before Dec 13, to send their names and addresses, and the particulars of their debts or claims, to A. Larke, 54, Coventry House, South pl, London

J. & D. Blunn, Limited—Creditors are required, on or before Dec 1, to send in their names and addresses, and particulars of their debts or claims, to Jackson Brierley, 85, Union st, Oldham. Holroyd, Oldham, solor for liquidator

Procter & Sutcliffe, Limited (In Voluntary Liquidation)—Creditors are required, on or before Dec 13, to send their names and addresses, with particulars of their debts and claims, to Alexander Cockburn Woodhead, Westgate chambers, Otley

Special Enterprises, Limited—Creditors are required, on or before Dec 13, to send their names and addresses, and the particulars of their debts or claims, to Gilbert Lewis West, 10, Serjeants' inn, Fleet st

Court Papers.

Supreme Court of Judicature.

Rota of Registrars in Attendance on

Date.	Emergency Rota.	Appeal Court No. 2.	Mr. Justice Kekewich.	Mr. Justice Farwell.
Monday, Nov. 7	Mr. Farmer	Mr. Church	Mr. King	Mr. Beal
Tuesday 8	King	Greswell	Farmer	Carrington
Wednesday 9	Theed	Church	King	Beal
Thursday 10	W. Leach	Greswell	Farmer	Carrington
Friday 11	Greswell	Church	King	Beal
Saturday 12	Church	Greswell	Farmer	Carrington

Date	Mr. Justice Buckley.	Mr. Justice Joyce.	Mr. Justice Swinfen Eady.	Mr. Justice Warrington.
Monday, Nov. 7	Mr. W. Leach	Mr. R. Leach	Mr. Pemberton	Mr. Godfrey
Tuesday 8	Theed	Godfrey	Jackson	R. Leach
Wednesday 9	W. Leach	R. Leach	Pemberton	Jackson
Thursday 10	Theed	Godfrey	Jackson	Pemberton
Friday 11	W. Leach	R. Leach	Pemberton	Carrington
Saturday 12	Theed	Godfrey	Jackson	Beal

Creditors' Notices.

Under Estates in Chancery.

Last Day of Claim.

London Gazette.—Friday, Oct. 28.

March, Louisa Alice, Lower Belgrave st, Dressmaker Nov 30 Debenham v March, Kekewich, J Hill, Ludgate hill

London Gazette.—Tuesday, Nov. 1.

Faid, John Francis, Clarendon gdns, Maida vale, Artist Dec 15 Hill v Adams, Joyce J Fielder, Lincoln's inn fields

Bankruptcy Notices.

London Gazette.—Friday, Oct. 28.

RECEIVING ORDERS.

Ashford, David, Aberaman, Aberdare, Commission Agent Aberdare Pet Oct 24 Ord Oct 24

Ashworth, William Edward, Rochdale, Printer Rochdale Pet Oct 26 Ord Oct 26

Baker, Samuel, Swaffham, Norfolk, Farmer King's Lynn Pet Oct 24 Ord Oct 24

Beale, Gordon Francis Tracy, Tenterden, Kent, China Clay Merchant Lewes Pet Oct 1 Ord Oct 26

Bowker, Charles, Erdington, Warwick, Draper Birmingham Pet Oct 6 Ord Oct 22

Brooks, Arthur R, Cheapside, Electrical Engineer High Court Pet Oct 4 Ord Oct 25

Clarke, Thomas, Wigan, Licensed Victualler Wigan Pet Oct 25 Ord Oct 25

Clayton, Mary Ann, Barnsley, Confectioner Barnsley Pet Oct 24 Ord Oct 24

Cooke, Cyril Walter, Burnham on Crouch, Essex Chelmsford Pet Sept 28 Ord Oct 24

Crosthwaite, Mark Eaglesfield, nr Cockermouth, Farmer Cockermouth Pet Oct 24 Ord Oct 24

Daniels, Albert James, Kennington Park, Builder Portsmouth Pet Aug 20 Ord Oct 21

Davies, Morgan, Bootle, nr Liverpool, Builder Liverpool Pet Oct 12 Ord Oct 26

DEAN, HARRY, Honiton, Devon, Builder Exeter Pet Oct 26 Ord Oct 26
DESSLER, JAQUES, Houndsditch, Watchmaker High Court Pet Sept 21 Ord Oct 25
DOOLEY, JAMES, Tooting, Builder Wandsworth Pet Sept 12 Ord Oct 25
ELLSE, BERNARD, Nottingham Nottingham Pet Oct 24 Ord Oct 24
EVANS, JOHN REES, Talbach, Merthyr Tydfil, Collier Merthyr Tydfil Pet Oct 25 Ord Oct 25
EVANS, WILLIAM, Llanelly, Boilerman at Tin Works Carmarthen Pet Oct 22 Ord Oct 22
FOSTER, CHARLES HENRY, Melcombe Regis, Dorset, Hairdresser Dorchester Pet Oct 24 Ord Oct 24
FRYER, TOM, Brighton, Mechanical Engineer Brighton Pet Sept 26 Ord Oct 24
GIBSON, ALFRED WALTER, Ryde, I of W, Boot Dealer Newport Pet Oct 24 Ord Oct 24
GLADDEN, CHARLES JOSEPH, and HENRY HARLAND, Langley, Bucks, Brick Manufacturers Windsor Pet Oct 22 Ord Oct 24
HANNAM, JOHN EDGAR, Middlesbrough, Bookkeeper Middlesbrough Pet Oct 26 Ord Oct 26
HEATON, WILLIAM, Bolton, Grocer Bolton Pet Oct 24 Ord Oct 24
JONES, JOHN GRIFFITHS, Treeynon, Aberdare, Draper Aberdare Pet Oct 24 Ord Oct 24
KEMPTON, JOHN, Macclesfield, Licensed Victualler Macclesfield Pet Oct 26 Ord Oct 26
KENT, ROBERT, Chorlton on Medlock, Manchester, French Polisher Manchester Pet Oct 24 Ord Oct 24
LOVELL, HARRY SHARP, Northampton, Baker Northampton Pet Oct 24 Ord Oct 24
MYLES, STEPHEN, Bromley, Builder Croydon Pet Sept 8 Ord Oct 25
PEARCE, SARAH ANN, St Luke's, Licensed Victualler Greenwich Pet Sept 29 Ord Oct 25
PHILLIPS, WILLIAM ANDREW, Scarborough, Hydro Proprietor Scarborough Pet Oct 15 Ord Oct 26
PILGRIM, JABEZ, Wereham, nr Downham Market, Norfolk, Wheelwright King's Lynn Pet Oct 25 Ord Oct 25
POTTER, FREDERICK WILLIAM, Norwich, Baker Norwich Pet Oct 25 Ord Oct 25
PREECE, ALFRED WILLIAM, Hereford, Carpenter Hereford Pet Oct 25 Ord Oct 25
PRYNN, JOSEPH HENRY, Falmouth, Master Mariner Truro Pet Oct 26 Ord Oct 26
QUEST, TOM, Bishop Burton, Yorks, Innkeeper Kingston upon Hull Pet Oct 25 Ord Oct 25
RALFS, WILLIAM HENRY JOHN, Norwich, Watchmaker Norwich Pet Oct 25 Ord Oct 25
RANDALL, CHARLES HENRY, Chapeltown, Leeds, Grocer Leeds Pet Oct 25 Ord Oct 25
RICHARDSON, FRED, Leeds, Bricklayer's Labourer Leeds Pet Oct 24 Ord Oct 24
SCHOLEFIELD, WILLIE, Shipley, Yorks Bradford Pet Oct 24 Ord Oct 24
SETTLE, TOM, Bolton, Hairdresser Bolton Pet Oct 10 Ord Oct 26
STARLEY, WILLIAM, Coventry, Cycle Manufacturer Coventry Pet Oct 18 Ord Oct 22
STRICKLAND, WILLIAM, Uldale, Cumberland, Farmer Carlisle Pet Oct 24 Ord Oct 24
WEST, WALTER HARRY, Plymouth, Fruiterer Plymouth Pet Oct 25 Ord Oct 25
WILLIAMS, WILLIAM EDWARD, Worcester, Licensed Victualler Worcester Ord Oct 26
WILSON, FRANCES, Pontefract, Farmer Wakefield Pet Oct 26 Ord Oct 26

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